



KIRKPATRICK  
CLOSEBURN

R 172 c.


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K I R K P A T R I C K

O F

C L O S E B U R N.





K I R K P A T R I C K

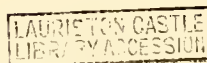
OF

C L O S E B U R N .



M D C C C L V I I I .

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M E M O I R  
RESPECTING THE FAMILY OF  
KIRKPATRICK OF CLOSEBURN,  
IN NITHSDALE,  
WITH NOTICES OF SOME COLLATERALS.

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It appears certain that the family of Kirkpatrick of Closeburn (in ancient times Kil-Osbern) possessed estates in Nithsdale and Annandale as early as the 8th century, although various circumstances have occurred to destroy any evidence of title, earlier than the time of Ivone de Kirkpatrick, in the reign of David the First, at the commencement of the 12th century.

Living on the Border they were engaged in continual feuds and fights. In 1570 the Earl of Sussex entered Nithsdale with an army of 4000 men, and took and sacked Closeburn. In 1646 Douglas and others plundered Closeburn, and took away "what was anyway transportable." And in 1748 Closeburn was burnt to the ground, when "all the family portraits and furniture, with the greatest part of the papers and documents were consumed." See Playfair's Scottish Baronetage. There are, however, sufficient documents, private and public, to prove the Pedigree, as set forth in the annexed genealogical table.

1. IVONE DE KIRKPATRICK of Kilosbern (Cella Osberni), is the first whose name can be traced in any known document. In the reign of David the First, King of Scotland, who came to the throne A. D. 1124, his name occurs in a Charter of Robert Brus the elder and Eufemia his wife, granting the fishing of Torduff to the Monks of

Abbeyholm; and in another Charter, in which Brus grants to Ivone de Kirkpatrick, the fishing of Blawode and Eister. The family name is derived from their Estate of Kirkpatrick (Cella Patrieii) in the north-western Annandale. Hence in old documents the name is sometimes spelt Kilpatrick.

This Robert Brus was the first Lord of Annandale. He was brought up at the English Court with David, afterwards King David I., and ever after continued to be his intimate friend. He died in 1141. In 1290 his descendant Robert Brus, upon the death of Margaret, "The Maiden of Norway," who succeeded her Grandfather, Alexander III., contested the Crown with Baliol. The question depended on a point not then so clearly settled as at present. From Kenneth Mac Alpine, King of the Scots (843), founder of the Clan Alpine, the most ancient of the Clans, the Crown descended lineally to Malcolm III., surnamed Canmore, who married Margaret, granddaughter of Edmund Ironside, King of England. Their daughter Matilda married Henry I. of England. Their youngest son, David I., succeeded upon the death of his elder brothers in 1124. He married Maud daughter of Waltheof Earl of Northumberland, and of Juditha niece of William the Conqueror. Henry, son of David, died in his father's lifetime, his eldest son, Malcolm IV. surnamed The Maiden, succeeded his grandfather, and upon his death, without issue, Henry's second son William the Lion succeeded. By the death of Margaret, The Maiden of Norway, in her passage to Scotland to take possession of her throne, 1290, the line of William the Lion became extinct, and the right devolved to the descendants of Henry's third son, David Earl of Huntingdon, who left three daughters: 1st. Margaret, grandmother of John Baliol, 2nd. Isabella, mother of Robert Brus, and 3rd. Ada, who married Lord Hastings. Baliol claimed as *grandson* of the *eldest* daughter. Brus claimed as *son* of the second daughter, and therefore *one degree nearer* to the last occupant. Hastings claimed one third in right of his wife. There were several other claimants, and among them John Comyn Lord of Badenoch; but their claims created little difficulty. The dispute was referred to Edward I. of England, who properly decided in favour of Baliol, 16 Nov. 1292.

Brus married Isabel de Clare, daughter of the Earl of Gloucester. Their son Robert accompanied Edward I. while Prince to Palestine 1270, where by his courage and



conduct he acquired great honour: Upon his return home, he married Margaret Countess of Carrick, in whose right he became Earl of Carrick. By her he had twelve children, of whom the eldest, Robert, born in 1274, was on 27th March, 1306, crowned King of Scotland.

The Annan and Nith being neighbouring valleys, meeting at their southern openings, with Dumfries as their common capital, the families of Bruce and Kirkpatrick always lived upon the most intimate terms, and their friendship was cemented by intermarriage.

2. WILLIAM, son of Ivone, was slain in a faction fight. He assisted Gilbert son of Fergus in his quarrel with Rolland son of Uchtred Lord of Galloway, about the year 1187. After Gilbert's death, Rolland declaring himself Lord of Galloway, was opposed by Kirkpatrick, who heading the faction of his cousin Duncan, was killed in the fight. Henry the Second of England, led an army to Carlisle, and with the aid of the King of the Scots, composed the feuds in Galloway, obliging Rolland to bestow upon Duncan that part called Carrick.

3. IVONE, son of William, married Eufemia daughter of Robert Brus, Lord of Annandale and Cleveland (Family tree of the Bruces of Clackmannan, in the possession of the Earl of Elgin). Among the writings carried away from Edinburgh Castle by Edward the First, A.D. 1296, was *Una litera patens, &c. ad firmam Domino Galtero Mowbray per Eufemiam Kirkpatrick*. The Mowbrays originally possessed the estate of Kirkmichael in Nithsdale, which in 1484 was granted by the King to Alexander Kirkpatrick, as hereafter stated. Ivone made a settlement of the lands of Kilosbern, by surrender to King Alexander the Second, and Grant of Confirmation or Settlement Charter, dated at Edinburgh, August 15, 1232. Shortly before this he made large additions to the old Castle of Closeburn; but it seems probable that the Keep or Tower which still exists, with walls twelve feet thick, was built three or four centuries earlier. In the 17th century Sir Thomas Kirkpatrick pulled down everything except the Keep, and used the materials in rebuilding the mansion.

In the reign of Alexander the Second, Humphrey Kirkpatrick, second son of William,

obtained the lands of Colquhoun, from Maldwin Earl of Lenox, and from these lands his son Ingram took the surname of Colquhoun. Ingram's son Robert, was father of another Robert, who had three sons, the eldest of whom, Humphrey, married the heiress of Luss in 1394. The Colquhouns of Luss still claim to belong to the family of Kirkpatrick.

4. ADAM succeeded his father Ivone. In Chalmers' *Caledonia*, p. 79, it is stated that this Adam de Kirkpatrick possessed the Manor of Kirkpatrick in North-western Annandale, and that in 1264 he had a lawsuit with the Monks of Kelso about the advowson of the Church of Kilosbern, which was decided against him by the Abbot of Jedburgh.

5. STEPHEN, son of Adam, in the Chartulary of Kelso is styled, *Stephanus dominus villæ de Kilosbern, filius et hæres domini Adæ de Kirkpatrick*. He entered into an agreement with the Abbot, concerning the Convent's right to the Church of Kilosbern, *die Mercurii proximâ post festam purificationis, beatæ Mariæ virginis* 1278.

6. ROGER, the eldest son of Stephen, succeeded as Lord of Closeburn, while Duncan, the second son, by his marriage with Isabel daughter and heiress of Sir David Torthorwald of Torthorwald, obtained that Barony.

At this time Scotland was involved in constant trouble, from the disputes respecting the Crown; and Sir Roger Kirkpatrick living on the border, and related to Bruce and Wallace, necessarily took an active interest in the struggle. Although Edward had decided in favour of Baliol, he was greatly disappointed that the death of the Maiden of Norway had defeated his plan of uniting the Crowns of England and Scotland, by her marriage with his son, and he never abandoned the hope of effecting the union by some other means. The Kings of England had a long standing but fiercely contested claim of fental superiority over Scotland, and this claim Edward enforced so offensively against Baliol, that though timid and weak yet not mean-spirited, he was at length driven to resent such treatment. War ensued,

1295. The Scots were everywhere defeated, and Baliol, after performing the most humiliating acts of feudal penance, was compelled to make a surrender of his kingdom, 2nd July, 1296, just four years after his accession ; upon which he and his son Edward were taken to the Tower of London, where three years afterwards he made a formal abdication of all his rights, and retired to Normandy, where he died 1314, just after the battle of Bannockburn. But while Baliol remained a prisoner, many of the principal families of Scotland, resenting the attempt of Edward to subjugate their country, aided by the general popular feeling, and taking Sir William Wallace as their leader, carried on a sort of Guerilla warfare, till the English, defeated at Stirling, 11th September, 1297, were driven out of the country ; whereupon Wallace was elected Warden of Scotland, on behalf of Baliol. Edward, then abroad, returned, and leading a powerful army into Scotland, defeated the Scots at Falkirk, 22nd July, 1298, with immense slaughter. Upon this Wallace resigned the Wardenship, and Robert Bruce the son, (his father having died in 1295), his rival John Comyn and Lamberton Bishop of St. Andrews, were appointed joint wardens in the name of Baliol. Wallace, however, continued to take an active part, till he was betrayed into the hands of the English, and taken to London, where he was executed with the then accustomed barbarities, 23rd August, 1305.

Robert Bruce, the grandson, being in the power of Edward, had taken no active part, though he secretly encouraged the opposition ; but Baliol's abdication and the death of his grandfather in 1295, and now of his father, having cleared his path, he had a conference with the Red Comyn, at which, after representing the miserable effects of civil discord, he proposed that they should henceforth act as friends. Support, said he, my title to the crown, and I will give you all my lands ; or give me all your lands and I will support your claim. Comyn, knowing the weakness of his own claim, accepted the former alternative, and an agreement was drawn up accordingly, sealed and confirmed by mutual oaths of fidelity and secrecy. Comyn, however, perhaps frightened at the step he had taken, revealed the matter to Edward, who having unguardedly expressed himself determined on revenge, the Earl of Gloucester, Bruce's cousin, who fell eight years afterwards at the battle of Bannock-

burn the last male of his family, anxious to save Bruce, but afraid to compromise himself, sent a piece of money and a pair of golden spurs. Bruce, understanding the hint, instantly started for Scotland, reaching Lochmaben Castle the fifth day. Here he met his brother, Edward Bruce, and his kinsman Sir Roger Kirkpatrick, whom Buchanan calls 'vetus amicus' of King Robert Bruce, and whom Abercromby calls the constant friend of Sir William Wallace. They were joined by James Lindsay, Robert Fleming, ancestor to the Earls of Wigton, and Sir Thomas Charteris, commonly called Thomas of Longueville. Accompanied by these Barons, he immediately repaired to Dumfries, where Comyn then was, and sought a private interview. Comyn perhaps suspecting that his treachery had been discovered, appointed the Grey Friars Church in the Convent of the Minorites. Here Bruce passionately upbraided him for his treachery, a violent altercation ensued, Comyn gave him the lie, whereupon he instantly drew his dagger and stabbed him. Hastening from the Church, he met his friends, who seeing him agitated and pale eagerly inquired the cause. 'I doubt,' said he, 'I have slain the Comyn.' 'Doubt'st thou,' said Kirkpatrick, 'I mak sicker,' and rushed into the Church. In the meantime the followers of Comyn having taken alarm, rallied round their fallen chief, but Kirkpatrick burst through them, struck down and slew Sir Robert Comyn the uncle, and dispatched the Red Comyn with his dagger, 10th February, 1306. Hence the crest and motto of the family



'conferred,' says Playfair, 'by King Robert himself, and adopted from an action which, however sanguinary and shocking it may now appear, was highly admired



and applauded in those ferocious times.' It is to this Sir Walter Scott alludes in the Lord of the Isles, where he makes the minstrel speak of 'Kirkpatrick's bloody dirk making sure of murder's work.' From this period the old crest, A Thistle, with motto, 'Tich and I perce,' has fallen nearly into disuse. In 'The Scottish Chiefs' Kirkpatrick is described as bearing 'the device of the hardy King Archaius but with a fiercer motto, Touch and I pierce,' and in a note it is added that Archaius King of Scotland having won the love and alliance of Charlemagne and many other Christian Kings, found himself to be so mighty that he took for his device the Thistle and Rew, and for his motto, 'For my defence,' the Rew denoting wisdom in peace, and the Thistle power in war.

The adopted motto appears on old seals and documents in various forms. Sometimes, 'I'll mak sicker,' or 'sickar,' which were probably the words originally uttered. This appears to have been considered inconsistent with the crest, the drops of blood intimating a deed done, and we find it written, 'I hae made sicker,' or 'sickar.' This, however, is evidently a bad form of motto, which ought to be a rallying cry, or the expression of a family habit. For this purpose 'I mak sicker,' or, as it has for centuries been used by the head of the family, 'I make sure,' is decidedly the proper form. When a Kirkpatrick finds himself in circumstances of doubt or difficulty, his motto is his trumpet call to duty. 'I make sure' is the form registered at the Heralds' office upon the grant of the patent of baronetcy in 1685. Some branches of the family, however, settled in England, have reverted to 'I mak sicker' as a reminiscence of their Scottish descent.

This murderous affray in the church soon created a general alarm. The English judges, then holding court in the Castle Hall, hastily barricaded the doors, and prepared for defence. But Bruce, assembling his followers, and threatening to force an entrance by fire, compelled those within to surrender.

Bruce and his friends soon after proceeded to Scone, the ancient seat of Scottish inauguration, and was there crowned, 27th March, 1306. But he was not permitted to retain his throne undisturbed. He had enjoyed royalty but a short time, when he was defeated by an army sent against him by Edward I.; after which

he was obliged to live in an obscure condition for a considerable time, during which his enemies tried every method either to take him prisoner or to destroy him, and he was compelled to take refuge in various places, among others at Cloosburn, where he was from time to time effectually concealed by Sir Roger Kirkpatrick. The place of refuge was a steep hill, called the Dune of Tynron, upon the top of which there still remain traces of a small fort or habitation; and in former times it was surrounded on all sides by very thick woods. This hill is still shewn as the place of refuge of King Robert Bruce. Edward carried on the contest with various success till the famous battle of Bannockburn, 24th June, 1314, when Bruce obtained a complete victory, by which his sovereignty was established.

Throughout all these struggles Sir Roger Kirkpatrick continued to take an active part, filled with those patriotic inspirations so nobly embodied by Burns, in 'Bruce's address to his army at Banuockburn.'

Scots wha hae wi' Wallace bled,  
 Scots wham Bruce has often led,  
 Welcome to your gory bed,  
     Or to victorie.

Now's the day and now's the hour,  
 See the front o' battle lour,  
 See approach proud Edward's power,  
     Chains and slavery.

Wha will be a traitor-knave,  
 Wha can fill a coward's grave,  
 Wha sae base as be a slave?  
     Let him turn and flee.

Wha for Scotland's King and Law,  
 Freedom's sword will strongly draw,  
 Freeman stand or Freeman fa',  
     Let him follow me.

By oppression's woes and pains,  
 By your sons in servile chains,  
 We will drain our dearest veins,  
     But they shall be free.

Lay the proud usurpers low,  
 Tyrants fall in every foe,  
 Liberty's in every blow,  
     Let us do or die.

In the preface to the Life of Wallace, it appears that Sir Roger Kirkpatrick was one of the assembly of Barons in the Forest Kirk, who elected Wallace, Warden of Scotland. He also took part in the subsequent election of Bruce and his Co-wardens,



and is mentioned by blind Henry as a partizan of Wallace, when he relieved Sir William Douglas, besieged in Sanquhar Castle by the English.

After the battle of Bannockburn, Sir Roger Kirkpatrick was sent with Sir Neil Campbell, ancestor of the Duke of Argyll and others, Commissioners to treat with King Edward II. in person, then at Durham. (Rymer, tom 3, p. 495.)

Several interruptions of the peace, however, took place till 1328, when a permanent treaty was concluded, the principal articles of which were the recognition of Bruce's title, and of the sovereignty of the kingdom, cemented by the marriage of his son and heir David to Johanna sister of the King of England. In this negotiation Sir Roger Kirkpatrick's son was also employed, with Sir Roger de Soulis and Sir Robert de Keith.

Had the royal family of Bruce been perpetuated in the male line, the Kirkpatricks of Closeburn would undoubtedly have enjoyed a liberal share of the honours and emoluments in the gift of the crown. Unfortunately for them Robert Bruce scarcely outlived the struggle which secured his seat on the throne, and the reign of his son David II. was one series of misfortunes. Upon the death of David, in 1370, without male issue, the sceptre descended to Robert II. the infant son of Margery, sister of David, by Walter Stuart, the first of a family noted for selfishness and neglect of every one possessing any spirit of independence; and from them the relations and friends of the Bruce experienced few marks of favour.

Duncan, brother of Sir Roger, mentioned above as having acquired the Barony of Torthorwald, was also a strenuous patriot, and exerted himself much in aid of Sir William Wallace, having been compelled more than once to take shelter in Esdaile woods and elsewhere, from the vengeance of the victorious English. The Scots, well aware that the English excelled them in the art of assaulting and defending walls, generally, in case of defeat, betook themselves to the hills and woods, acting upon the advice of Bruce, not to shut themselves up to be starved or burnt out, and upon the maxim of Douglas, that 'it was better to hear the lark sing, than the mouse cheep.' In the skirmish near Lochmaben, when Wallace was pursued by the English garrison, the Baron of Torthorwald and Sir John Grahame, with their followers, came most opportunely to his assistance.

Kyrkpatrick yat cruell was and keyne,  
 In Esdail wod yat half yer he had beyne,  
 With Inglismen he couth nocht weill accord,  
 Of Torthorwald he Baron was and Lord,  
 Of kyn he was to Wallace modyr ner,  
 Of Crawford syd, &c.

*Wallace*, book 5.

The mother of Wallace was daughter of Sir Ronald Crawford, Sheriff of Ayr, and aunt of Kirkpatrick.

The Scots gained this battle, in which, says the Bard,

Kyrkpatrick's douchty deed was nobill for to ken,

and for which he received the acknowledgments of Wallace ;

Kyrkpatrick syne that was his cusin der,

He thankyt hym rycht on a gud maner.

The conquerors repaired to Lochmaben Castle, which they took by stratagem, and left the following day, after having placed a governor of their own in it. But it appears that he was again compelled to seek safety from the overwhelming English force by concealment.

Kyrkpatrick past in Aisdail wodds wide,

In saftie there he thocht he suld abide.

From this retreat he again issued to join his cousin Wallace at the battle of Bigger.

Yar came intill yar company,

Kyrkpatrick befor in Esdail was, &c.

*Wallace*, book 6.

Umphray, son of Duncan and Isabel, made a settlement and obtained a Confirmatory Charter of the lands of Torthorwald from King Robert Brus, 16th July, 1322, who also granted to him that he should hold his lands of Torthorwald in Free Forest—a grant which conferred great privileges, and was highly valued in those days. His son Sir Robert was taken prisoner at the battle of Dupplin. Roger, son of Robert, obtained a charter from John the Grahame, son of Sir John Grahame of Moskesson, of an annual

rent arising out of the lands of Over Dryffe, 1355. This family, which had acquired by marriage the Barony of Torthorwald, subsequently merged by marriage in the Lords Carliel, who thereby became Barons of Torthorwald; and the Barony not long afterwards passed to Douglas of Drumlanrig, by the marriage of Margaret, daughter of William Lord Torthorwald, with William Douglas, third Baron of Drumlanrig, who died in 1464, and whose descendant, William third Earl of Queensbury, was in 1682 created Marquis, and in 1684 Duke of Queensbury, Marquis of Dumfriesshire, Earl of Drumlanrig and Sanquhar, Viscount of Nith, Torthorwald, and Ross.

Of the castle of Torthorwald, which was large and strongly built, but a small fragment now remains, though it was repaired so lately as the year 1630. It served as a garrison for the King's troops during the reign of Charles II.

7. SIR THOMAS the eldest son of Sir Roger succeeded, and for his father's and his own special services to his king and country, got from King Robert the Brus, the lands of Bridburgh in the Sheriffdom of Dumfries, by charter dated at Loehmaben, 24th May, in the 14th year of his reign (1319).

He contracted his daughter to Sir John Carliel (aneestor of the Lords Carliel of Torthorwald) grandson of Sir William Carliel and the Lady Margaret Brus, sister to the King; the marriage contract between the fathers of the young people, is dated 8th Mareh, 1332.

In 1327 war broke out again, and the Border Chiefs were of course involved in the contest. Sir Thomas Kirkpatrick and his followers took part in the several engagements which ensued, and in the fatal battle of Halidon, 19th July, 1333, in the list of prisoners are Thomas Kirkpatrick and Roger Kirkpatrick. And again in the still more fatal battle of Nevills Cross near Durham, 17th Oct. 1346, when Keith the hereditary Earl Marechal and Sir Thomas Charteris the Chaneellor were killed, and King David himself with the Earls of Sutherland, Fife, Monteith, Carriek, Lord Douglas, and many other noblemen taken prisoners, Fordun gives in his list of killed Reginald Kirkpatrick, and of prisoners Roger, taken by Ralph de Hastings, who, dying of a wound received in the eneounter, "bequeathed the body of his prisoner, Roger de Kirkpatrick, to his joint legatees, Edmund Hastings of Kynthorp and John de Kirkely for ransom."

Roger, brother of this Sir Thomas, inherited all the loyalty and valour of his ancestors. While David II. son of Robert Bruce was in captivity, and King Edward with his troops had been driven back by famine into England, he besieged and took the castles of Caerlaveroc, Durrisdeer and Dalswinton (1355), bringing all Nithsdale under the command of its lawful sovereign. (Bnechanan's History.) The Prior of Lochleven speaks thus of him :

Roger Kyrkpatrick, Nyddysdale  
 Held at the Scottis fay all hale,  
 Syne the castle of Dalswynton  
 Was taken and dwyn down,  
 Syne Caerlaveroc taken had he ;  
 He was a man of gret bownte,  
 Honorabil wys and rycht worthie,  
 He couth rycht mekil of cumpanie,

*Wynton, b. 8, c. 43.*

In the Agreement made at Newcastle-npon-Tyne, 13th Jannary, 1354, concerning the liberation of King David Brus, among the hostages to be given for payment of the ransom (which hostages were twenty youths of the first quality) was the son and heir of Roger de Kirkpatrick. And accordingly Umfred son and heir of the said Roger, together with John, son and heir of the Lord High Steward of Scotland, was delivered up to Lord Percy in the year 1357. And in the list of Nobles and Barons present in the Parliament at Edinbnrgh, 26th September, 1357, to settle about the King's ransom, is the name of Roger Kirkpatrick.

Caerlaveroc castle, situate on the north shore of the Solway, near the mouth of the Nith, formerly a place of considerable strength, and still an interesting ruin, had been taken by Edward the First after a siege, somewhat famous in Scottish history for its gallant defence. The celebrated Roll of Caerlaveroc, among the MSS. in the Bodleian, gives the names and banners of those Knights who attended Edward I. in his expedition into Scotland. The banners of Edward the Martyr and Edward the Confessor were borne at the siege, and the Bishop of Durlam sent 150 men at arms under his banner, charged with his paternal arms alone, without those of his see. Three men of Kent, Henry and Simon de Leybourne (younger sons of Sir William de Leybourne,

who had lately entertained Edward the First at Leybourne, near Maidstone, now the seat of Sir Joseph Hawley) and Stephen de Cosenton (in the neighbouring parish of Aylesford, and adjoining the celebrated Kits Coty House, the burial place of Catigern) were knighted under the royal banner at Caerlaveroc, for their gallant conduct at the siege.

When David the Second obtained his freedom, he not only knighted Roger Kirkpatrick, but as a reward for his devotion and bravery in recovering the place, bestowed upon him Caerlaveroc castle and lands, which had formerly been held of the Crown by the Maxwells, to whom it subsequently reverted, and it is still held by a branch of that family.

In his castle of Caerlaveroc Sir Roger Kirkpatrick was murdered, in fulfilment, as in that superstitious age was believed, of a prophecy of vengeance uttered by a spirit in the Grey Friars Church of Dumfries, after the slaughter of the Red Cummin. The corpse on the night after his death was watched in the church, by the Dominicans indignant at the desecration. At midnight all the friars fell asleep, except one aged priest, who with the greatest astonishment heard a voice in distress exclaim, "How long, O Lord, shall vengeance be deferred?" and a response in a dreadful tone, "Endure with patience till the anniversary of this day shall return for the 52nd time."

"Exactly 52 years after the Cummin's death," says Playfair, "James of Lindsay, son of that Lindsay who had entered the Dominican Church with Sir Roger, was hospitably entertained at the Castle of Caerlaveroc, by Roger Kirkpatrick sprung from his father's friend. At midnight, for some reason unknown, Lindsay arose and mortally stabbed in his bed his unguarded host. He then took horse and fled, but after riding till daybreak, he was seized only three miles from the castle, and by command of King David suffered death for his crime at Dumfries." The affair is thus related by the Prior of Lochleven : —

That ilk yhere in our kynryk,  
 Roger was slain of Kyrkpatrick  
 Be Schyr Jakkis the Lyndesay,  
 In til Karlaveroc, and away  
 For til have bene with all his mycht,  
 This Lyndesay pressit all a nycht,



Forth on hors rycht fast rydand,  
 Nevertheless yhit thai him fand  
 Nocht thre myle fra that ilk place,  
 There tane and brocht again he was,  
 Til Karlaveroc, be thai men  
 That frendes war til Kyrkpatrick then,  
 Thare war he kepyd rycht strytlly ;  
 His\* wyf passyd til the King Dawy,  
 And prayed him of his realté,†  
 Of Law that sche mycht serwyd be,  
 The King Dawy than also fast  
 Til Dumfries with his Curt he past,  
 As Law wold, qwhat was thare mare,  
 This Lindesay to deth he gert do thare.

*Wynton Chron.* b. 8, c. 44.

In the 4th Vol. of Sir Walter Scott's *Minstrelsy of the Scottish Border*, this event forms the subject of a Ballad contributed by his friend the late Charles Kirkpatrick Sharpe, "The Murder of Caerlaveroc."

"Now, come to me, my little page,  
 Of wit, sae wondrous sly !  
 Ne'er under flower, o' youthfu' age,  
 Did mair destruction lie.

"I'll dance and revel wi' the rest,  
 Within this castle rare ;  
 Yet he shall rue the drearie feast,  
 Bot and his lady fair.

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\* Kirkpatrick's wife.

† Realte or Regality, the exclusive right of administering justice within a man's own lands. This, which gave rise to great abuse, was put an end to by Act 43. Parl. 1455.



“For ye maun drug Kirkpatrick’s wine,  
 Wi’ juice o’ poppy flowers;  
 Nae mair he’ll see the morning shine  
 Frae proud Caerlaveroc’s towers.

“For he has twined my love and me,  
 The maid of mickle scorn—  
 She’ll welcome wi’ a tearfu’ ee  
 Her widowhood the morn.

“And saddle weel my milk-white steed,  
 Prepare my harness bright!  
 Gif I can make my rival bleed,  
 I’ll ride awa this night.”—

“Now haste ye, master, to the ha’!  
 The guests are drinking there;  
 Kirkpatrick’s pride sall be but sma’,  
 For a’ his lady fair.”—

\* \* \* \* \*

In came the merry minstrelsy,  
 Shrill harps wi’ tinkling string,  
 And bagpipes, lilting melody,  
 Made proud Caerlaveroc ring.

These gallant knights, and ladies bright,  
 Did move to measures fine,  
 Like frolic fairies, jimp and light,  
 Wha dance in pale moonshine.

The ladies glided through the ha’,  
 Wi’ footing swift and sure—  
 Kirkpatrick’s dame outdid them a’,  
 When she stooped on the floor.

And some had tyres of gold sae rare,  
And pendants eight or nine ;  
And she, wi' but her golden hair,  
Did a' the rest outshine.

And some wi' costly diamonds sheen,  
Did warriors' heart assail—  
But she, wi' her twa sparkling een,  
Pierced through the thickest mail.

Kirkpatrick led her by the hand  
Wi' gay and courteous air ;  
No stately castle in the land  
Could show sae bright a pair.

O he was young—and clear the day  
Of life to youth appears !  
Alas ! how soon his setting ray  
Was dimm'd wi' show'ring tears.

Fell Lindsay sicken'd at the sight,  
And sallow grew his cheek ;  
He tried wi' smiles to hide his spite,  
But word he cou'dna speak.

The gorgeous banquet was brought up  
On silver and on gold,  
The page chose out a crystal cup,  
The sleepy juice to hold.

And whan Kirkpatrick call'd for wine,  
This page the drink would bear ;  
Nor did the knight or dame divine,  
Sic black deceit was near.

Then every lady sang a sang :  
Some gay—some sad and sweet,  
Like tunefu' birds the woods amang,  
Till a' begun to greet.

E'en cruel Lindsay shed a tear,  
Forletting malice deep—  
As mermaids wi' their warbles clear,  
Can sing the waves to sleep.

And now to bed they all are dight,  
Now steek they ilka door ;  
There's nought but stillness o' the night,  
Whare was sic din before.

Fell Lindsay put his harness on,  
His steed doth ready stand ;  
And up the staircase is he gone,  
Wi' poniard in his hand.

The sweat did on his forehead break,  
He shook wi' guilty fear ;  
In air he heard a joyfu' shriek,  
Red Cummin's ghaist was near.

Now to the chamber doth he creep—  
A lamp of glimmering ray,  
Show'd young Kirkpatrick fast asleep  
In arms of lady gay.

He lay wi' bare unguarded breast,  
By sleepy juice beguiled ;  
And sometimes sigh'd by dreams opprest,  
And sometimes sweetly smiled.

Unclosed her mouth o' rosy hue,  
Whence issued fragrant air,  
That gently, in soft motion, blew  
Stray ringlets o'er her hair.

"Sleep on, sleep on, ye lovers dear!  
The dame may wake to weep—  
But that day's sun maun shine fu' clear,  
That spills this warrior's sleep."

He louted down—her lips he press'd—  
O! kiss foreboding woe!  
Then struck on young Kirkpatrick's breast  
A deep and deadly blow.

Sair, sair, and meikle did he bleed;  
His lady slept till day,  
But dreamt the Firth flowed o'er her head,  
In bride-bed as she lay.

The murderer hasted down the stair,  
And back'd his courser fleet;  
Then did the thunder 'gin to rair,  
Then shower'd the rain and sleet.

Ae fire-flaught darted through the rain,  
Where a' was mirk before,  
And glinted o'er the raging main,  
That shook the sandy shore.

But mirk and mirker grew the night,  
And heavier beat the rain;  
And quicker Lindsay urged his flight,  
Some ha' or beild to gain.

Lang did he ride o'er hill and dale,  
 Nor mire nor flood he fear'd;  
 I trow his courage 'gan to fail  
 When morning light appear'd.

For having hied, the live-lang night,  
 Through hail and heavy showers,  
 He fand himself, at peep o' light,  
 Hard by Caerlaveroe's towers.

The Castle bell was ringing out,  
 The ha' was all asteer;  
 And mony a seriech and waefu' shout,  
 Appall'd the murderer's ear.

Now they hae bound this traitor strang  
 Wi' eurses and wi' blows,  
 And high in air they did him hang,  
 To feed the carrion erows.

\* \* \* \* \*

“To sweet Lineluden's haly cells  
 Fou dowie I'll repair;  
 There Peace wi' gentle Patience dwells,  
 Nae deadly feuds are there.

“In tears I'll wither ilka echarm,  
 Like draps o' balefu' yew;  
 And wail the beauty that eou'd harm  
 A Knight sae brave and true.”

Lineluden Abbey is situated near Dumfries, on the banks of the river Cluden. It was founded and filled with Benedictine nuns in the time of Maleolm IV. by Uthred, father to Roland, Lord of Galloway, in opposing whose claim in 1187, Kirkpatrick was slain as above mentioned. These nuns were expelled by Archibald the Grim, Earl of Douglas.—*Vide* Pennant.

Many years after this event, the murderer's grandson met Margaret Kirkpatrick at the Court of Holyrood, when the young people forgot the feudal duty of eternal hatred. On her return home, young Lindsay, prowling about Caerlaveroc Castle, was seized by Kirkpatrick's men, and thrown into the Castle dungeon, from which, in the night, he was secretly released by Margaret, who, while refusing to quit the roof of her stern father and fly with Lindsay, was betrayed into vows, which after a time were duly performed, her dutiful affection having melted the old man's feudal heart. Upon this love-tale Mrs. Erskine Norton founded her ballad, called "The Earl's Daughter."

#### PART THE FIRST.

Up rose Caerlaveroc's grim Earl,  
Right joyful shouted he,  
My foeman's son for ever now  
My prisoner shall be.

He lies within my dungeon wall,  
And chain'd shall there remain,  
Or his life-blood shall wash away  
Foul murder's hateful stain.

What brought the callant near my towers!  
Scarce armed and all alone?  
'Twas the hand of Heaven which gave him up,  
His father's crime to atone.

The Lady Margaret stood there,  
Close by the old Earl's side,  
"Alas, my Lord, for his father's sin,  
May no ill to him betide.

"Spare his young blood, my parent dear,  
Spare his young blood, I pray;  
Oh set him free—the death-feud stop,  
And let him wend his way!"



“ Now shame thee, Lady Margaret,  
Out on thee, child, I say,  
And for that thou hast dared to plead  
He dies at break of day.”

The Lady Margaret was good,  
And wise as she was fair,  
No maid within a thousand miles  
Could match Caerlaveroc's heir.

Her sire's hereditary foe  
At Holyrood she met,  
The young Lord Lindsay, and they loved  
As foes had ne'er loved yet.

It was to spy his Lady fair,  
Young Lindsay in disguise,  
Was wandering near her father's towers  
And taken by surprize.

#### PART THE SECOND.

'Tis midnight, Margaret does not sleep,  
Nor yet her faithful page,  
Fearful the task, for life or death,  
In which they both engage.

The Lady Margaret steals along  
The subterranean way,  
Known only by her sire and her,  
To where the prisoner lay.

She struggles on, and gains at last  
The secret aperture,  
Glides gently to his iron couch,  
Where chained he lies secure.

He starts, and almost shrieks to see  
His Margaret so nigh,  
But finger on her lip is laid,  
And warning's in her eye.

No word they spoke—the chain's unlocked,  
Up with a bound he springs,  
And freedom to his pallid brow  
The rushing life-blood brings.

The loathsome passage now is cleared,  
The stars are glittering bright,  
And to his parching lip is brought  
The fresh cool breeze of night.

Down in yon dell the page awaits  
With a courser fleet and sure,  
'Tis but to mount and ply the spur  
His freedom to secure.

“Now, dearest Margaret, fly with me,  
Now fly with me, I pray,  
A victim to thy sire's revenge  
Here must thou never stay.

“Turn not away, nor wring my hand,  
From hence I will not stir,  
If Margaret cannot fly with me  
I must not part from her.

“Put up your steed, Sir page, and now  
Return we, whence we came ;  
Oh Margaret, could'st thou think that I  
Dread dying more than shame.”

Then Margaret dried her falling tears,  
And courage found to speak :  
“ Lindsay, I am resolved and firm,  
Although my heart should break.

“ Thy life is saved, and thou art free,  
And trust me, I would brave  
Ten times the peril of this night  
That precious life to save.

“ Oh deem it not a lack of love,  
For I would share with thee  
Want, sickness, toil, and worse than all,  
The harsh world’s contumely.

“ Oh deem it not a lack of love  
If one thing yet I name,  
Still dearer than thou art to me  
A conscience free from blame.

“ And ne’er will I desert my sire  
From duty’s path beguiled,  
Though stern and vengeful to his foe,  
He dearly loves his child.

“ I will not leave him in his age,  
But, Lindsay, cease thy dread,  
He’ll rage and storm, but never harm  
A hair of his Margaret’s head.

“ I will confess my love for thee,  
And time perchance may bring  
Some healing balm—perchance root out  
Revenge’s festered sting.

“Leave all to me—there still is hope,  
Mount, mount thy steed, away !  
Methinks I hear the early bird,  
That harbingers the day.”

Lindsay revered her filial truth  
And ceased his suit to press ;  
He felt he could not love her more,  
But might esteem her less.

One kiss, one long and parting kiss,  
Then leaped he on his steed,  
One look, one long and parting look,  
And he was safe indeed.

#### PART THE THIRD.

'Tis cockcrow, and the dappled dawn  
Glows o'er the eastern sky,  
Caerlaveroc's guard i' the castle yard  
Are watching gloomily.

What means this sudden uproar wild,  
Arms clash, deep curses rise,  
The shrill-toned swell of the 'larum bell  
Salutes the brightening skies.

And steeds are saddling in their stalls,  
The drawbridge rattles down,  
Ride hard ye may, my men, this day,  
Your captured foe is flown.

Caerlaveroc's chief is in his hall,  
None looked on him but feared,  
His teeth are clenched, and the fury foam  
Whitens his grizzled beard.

Death flashes from his keen blue eye,  
As to his feet is brought,  
Unarmed and bound, the sentry found  
On guard o'er him they sought.

"Traitor!" and glancing high in air,  
The Earl's bright falchion quivers,  
It falls, but checked and dashed aside,  
In the firm oak beam shivers.

Why failed his arm, so firm and true?  
It rarely failed till now:  
And what hath blanched that iron cheek  
And tamed the threatening brow?

A gentle form has glided 'tween  
The victim and the blow,  
Margaret's fair neck it slightly grazed—  
The red drops trickling flow.

Yes, there she knelt, his daughter dear,  
In penitent's array,  
Her feet were bare, and her long dark hair  
On the stone pavement lay.

All stood aghast; her eye was firm,  
But her cheek and lip were pale,  
Yet lovely shewed, through the waving cloud  
Of her dark mourning veil.

"Father, behold the Traitor here:"  
The silvery tone was heard,  
By each and all, in that crowded hall,  
And every heart is stirred.

With rage, amazement, shame, and grief,  
 The haughty Chieftain gaspt,  
 Fierce was the strife, but nature won  
 Her trembling claim at last.

Well had the maiden prophesied,  
 Her pleading wise and calm,  
 With time did bring, to Revenge's sting  
 A holy healing balm.

For a year had scarcely past away,  
 When from her father's hand,  
 Lindsay with pride, received his bride,  
 In wedlock's sacred band.

A happier pair were never known  
 To grace Caerlaveroc's bowers,  
 And soon on his knee, the Earl smiled to see  
 A young Lord of its ancient towers.

8. WINFRED succeeded his father Sir Thomas. Playfair thinks Nesbit and Grose are mistaken, and that this should be Umfred; but Playfair confounds Winfred with his cousin Umfred mentioned above as one of the hostages for the King's ransom.

9. SIR THOMAS succeeded his father Winfred, and died without issue. He settled the Barony of Closcburn, &c. upon his brother Roger, by a Resignation into the hands of Robert Duke of Albany, and Charter of Confirmation and Tailzie, to himself and his heirs male of his body, "whilk failing, to his brother Roger and his heirs male, &c. Dated at Air, 4th Oct. 1409."

In a Charter dated at Edinburgh, 1410, granted by Sir Robert Maxwell of Calderwood to Sir Alexander Gordon of Stichell, ancestor to the Viscounts of Kenmure, Sir Thomas appears as a witness, "Testibus magnifico et potenti principe et domino



Archibaldo Comite de Douglas domino Gallovidiæ et val. Annandic, Archibaldo primogenito suo, Jacobo de Douglas germano dicto domino Comiti, Scutiforis; Domino Willielmino de Douglas domino de Drumlanrig, Domino Thomo de Kyrkpatrick domino de Kloseburn, Domino Thomo de Morvia, militibus, cum multis aliis."

In the year 1424, Sir Thomas made a settlement of his lands of Auchinleck and Newtown, by Resignation into the hands of George Earl of March and Dunbar, and new Charter in which he is styled the Earl's dearest cousin, 'Consanguineus.' "This George Earl of Dunbar," says Playfair, "was the last who bore titles of nobility of the mighty race of Cospatrik, the sins of his father's ambition having been visited upon him, by a king who overlooked and forgot the dignity and valour of his most illustrious ancestors." It may here be observed, that the Earl of Dunbar was related to the Kings of England. His father writes thus to King Henry the Fourth. 'And excellent Prince, syn that I claim to be of kin til yhow, and it peraventur nocht knawen on yhour parte, I schew it to your Lordship be this my lettre, that gif Dame Alice the Bewmont was yhour graunde dame, Dame Margery Comeyne her full sister was my graunde dame on t'other side, sa that I am but of the fierde (fourth) degree of kyn til yhow, the quhilk in alde tyme was callit neir.'

On the 12th July, 1428, Sir Thomas Kirkpatrick was one of the Commissioners who met at Handen Stane, for mutual redress of injuries between the two kingdoms of Scotland and England; at which meeting he was named one of the four, to whom particular reference should be made, in case of any future dispute between the Deputies, concerning trespass done in the Marches; and he was also one of the Plenipotentiaries for confirming the peace with the English at Lochmaben Stone, 1429; and again in a truce concluded between James the Second of Scotland and Henry the Sixth of England.

In 1428 he was appointed Conservator, &c. together with Archibald Duke of Touraine and Earl of Douglas, the Earl of Angus, &c. (Redpath's Border History.)

10. SIR ROGER succeeded his brother Sir Thomas, and on 10th June, 1445, was one of the Barons of Inquest serving his brother-in-law William Lord Somerville,

heir to his father Thomas Lord Somerville. To this Retour is appended his seal bearing his arms, the same as now used by the family. The shield couché, and thereon a saltier (the well known saltier of Annandale), and chief charged with three cushions (of Dunbar). For supporters two lions guardant, holding up the helmet on the chief point of the shield (from the old bearing of the Bruce, "Esto ferox ut Leo.") Nesbit's Heraldry.

The origin of the use of Supporters is not very clear. On private seals of a date as early as Edward I. we find figures of animals placed on either side and above the shield of arms. These figures appear to have had their origin entirely in the fancy of the engraver, and are considered by some to have given rise to what we now call Supporters, though it is much more likely that supporters originated in the following custom which prevailed in the olden time. When Knights were about to enter the lists at a Tilt or a Tournament, they caused their banners or escutcheons of arms to be held by their pages, disguised in the form of different animals, they are thus represented in many old MSS. standing on their hind legs and supporting the banner or shield with their paws.

In a curious treatise by René of Anjou King of Sicily, it appears that much ceremony attended this exhibition of arms. A summons was issued, 'To all princes, barons, knights, and esquires who intend to tilt at this tournament. Ye are ordained to lodge in the city four days before the tournament, to make display of your armories, and your arms shall be thus; the crest shall be placed over a plate of copper, large enough to contain the whole summit of the helmet, and the said plate shall be covered with a mantle, whereon shall be emblazoned the arms of him who shall bear it, and on the mantle at the top thereof, shall the crest be placed, and around it shall be a wreath of colours, and the heralds shall set forth unto the ladies to whom *this* crest belongeth, and to whom *that*, and if there be any one which belongeth to any reviler of the ladies, the ladies shall touch his crest, and on the morrow it shall be sent away, and he shall have no tilting at this tournament.'

When a knight had once made his appearance at these tournaments, it was not necessary for him again to make proof of his nobility, this having been already sufficiently recognized and blazoned.

Of the sovereigns of England, Edward III. is the first who is said to have used supporters, but we have no conclusive evidence that supporters were in use at so early a period. The use of supporters is now limited to Peers of the realm and Knights of the Bath, although they are sometimes specially granted. Though thus restricted, many of the old Barons of Scotland, who are not peers, and particularly the *Chiefs of names*, who had been in the habit of using them, protested against being compelled to discontinue them, as they had been borne by their ancestors for many centuries, and were retained as marks of *superiority* over their clansmen. The matter was not pressed, and their families have since continued them without opposition. The same custom has prevailed in some of the oldest and best of our English families, till they have acquired a kind of possessory right, far more honourable than any modern grant which might be obtained from an office of arms.

Sir Roger was made Commissioner of the West Borders by King James, 1455. In the MS. History of the Somerville family, compiled by Lord Somerville in the year 1679, is the following passage respecting the matches of the first Lord Somerville's daughters. 'This nobleman being blessed with many children, whereof five being alyve wer now come to the estate of men and women, his eldest daughter named Marie, this year 1427, he marryes upon Sir William Hay of Yestir ; his youngest daughter, named Margaret after his own mother, he marryes upon the Laird of Closeburn in Niddisdale, of the sirname of Kirkpatrick, whose son Thomas named efter his grandfather the Lord Somerville, we will have occasion to speak of in the memorie of his cousin Lord John. What portion in land or money this lady had from her father I find not, but it appears the house of Closeburn has been very well satisfied with this match. Thus we see this nobleman happy and fortunate in his own match, and in the matching of his daughters, being all in his own life time marryed to gentlemen of eminent qualitie, two of them, Closeburn and Restalrig, ehief of their names and families.'

Margaret Somerville, Lady Closeburn, left a widow with a family, married her second husband Thomas Ker of Fernyhirst, ancestor of the Marquis of Lothian. In 1465, Cardinal Antonius confirmed a Charter granted by the monastery of Melrose to John Kirkpatrick of Alisland, of the lands of Dalgonie, including Killilago and Dempsterton.

11. SIR THOMAS succeeded his father, and by the Parliament which sat at Edinburgh, 2nd April, 1481, was made keeper of Lochmaben Castle. This Castle was formerly a noble building, situated upon a peninsula projecting into one of the four lakes, which are in the neighbourhood of the royal Burgh, and was the residence of Robert Bruce while Lord of Annandale. Accordingly, it was always held to be a royal fortress, the keeping of which, according to the custom of the times, was granted to some powerful Lord, with an allotment of lands and fishings for the defence and maintenance of the place.

He sat in that Parliament of King James the Third, which commenced 29th January, 1487, and continued till 5th May, and in that beginning 1st October in the same year. (Carmichael Tracts.)

He resettled his Barony of Closeburn, his Barony of Bridburgh, his lands of Auchinleck, &c. by Resignation into the hands of King James the Third, and new Confirmation Charter to him and Maria de Maxwell his spouse, which Maria was daughter of Herbert second Lord Maxwell, by Isobel daughter of William Lord Seton. (See Douglas Peerage.)

Alexander Kirkpatrick, brother of Sir Thomas, received the Barony of Kirkmichael from the King, as a reward for taking prisoner at the battle of Burnswark, James the ninth and last Earl of Douglas, 1484. This Earl, weary of exile and anxious to revisit his native land, made a vow that on St. Magdalen's day he would lay his offering upon the high altar at Lochmaben, of which Sir Thomas Kirkpatrick was then keeper. Accompanied by the Earl of Albany he entered Scotland in a warlike guise, but the Borderers flocked together to oppose him, and he was defeated at Burnswark in Dumfriesshire. Whoever should kill or take captive the Earl, was to receive a thousand merks and an estate of a thousand merks yearly rent. Alexander Kirkpatrick made the Douglas a prisoner with his own hand. The Earl desired to be carried to the King, saying to Kirkpatrick, 'Thou art well intitled to profit by my misfortune, for thou wert ever true to me while I was true to myself.' But the young man burst into tears, and offered to conduct his captive to England. The Earl refused his proffer, and only desired that he might not be given up to the King, till his conqueror had made sure of his



reward. Kirkpatrick generously went farther, he stipulated for the safety of the ancient Lord. Accordingly, while he received the estate of Kirkmichael, 1484, for his own services, Douglas was permitted to retire to the Abbey of Lindores.

The son of this Alexander was William of Kirkmichael, who adhered to the ancient creed of his forefathers, and thereby gave much offence to the reformers. At the first General Assembly of the reformed Kirk of Scotland, holden at Edinburgh, 20th Dec. 1560, it was thought expedient to ask at the Estates of Parliament and Lords of Secret Council, 'for the eschewing of the wrath and judgment of the Eternal God, and removing of the plagues threatened in the law, that sharp punishment may be made upon the persons underwritten, and other idolaters and maintainers thereof, in contempt of God, his true religion and acts of Parliament; whilk says and confessis messe to be said, and are present there within the following places in Nithsdale and Galloway; the Prior of Whithorne and his servants in Crugletone, the Laird of Corswell in Corswell, the Lord Carliel, the Laird of Kirkmichael, who causes messe to be said and images to be holden up, and idolatrie to be maintained within his bounds.' (Keith's History of Scotland, p. 499.)

12. SIR THOMAS, who succeeded his father in 1502, married the sister of Robert Lord Creghton of Sanquhar, descended from a natural son of King Robert the Second, and ancestor of the Marquis of Bute. In a Grant, dated 29th Nov. 1509, Robert Lord Creghton of Sanquhar grants the ward of the lands of Robertmure 'to an honorable man and his brother-in-law, Thomas Kirkpatrick of Closeburn, Knight.'

13. SIR THOMAS, who, on the 22nd June, 1515, got a Brief from the King's Chancery to be served heir to his father, married Margaret Sinclair, daughter of the second Earl of Caithness, who was killed at the battle of Flodden, 1513, and sister of the third Earl who was killed in an unsuccessful attempt to obtain possession of the Orkney islands, to which he alleged a claim.

Sir Thomas Kirkpatrick was one of the many leaders, taken prisoner at the Flight of Solway Moss, in 1542, and appears thus in the list of those compelled to give pledges to keep the peace, published by Lodge in his Illustrations of British History :

“Laird of Closeburne of 100 pound land sterling and more.—His pledge Thomas Kirkpatrick his cosyn, for 403 men.” A proof, as Playfair observes, of the then opulent and powerful state of the family, if compared with the other high names recorded in that list.

It is difficult in our peaceable times to realize the state of society on the Borders of England and Scotland, so lately as the 15th and 16th centuries. Previous to the attempts of Edward I. to subjugate Scotland, there were scarcely any symptoms of ill-will between the two countries, and his plan of uniting the two Crowns by the marriage of his son with the Maid of Norway, was eagerly embraced by the Scottish Nobility. His subsequent attempts roused the patriotism of the Scottish nation, and rendered hostilities inveterate. Bad as his title was, his success no doubt would have been a benefit to both nations, and saved centuries of bloodshed and misery, which left a rankling feeling of hatred long after their devastations ceased.

Two centuries of perpetual border warfare, sometimes between English and Scottish Borderers, sometimes between Clans, sometimes arising out of personal quarrels, bring us to the time of James V., of which Sir Walter Scott thus speaks, in the Introduction to the *Border Minstrelsy*: “The minority of James V. presents a melancholy scene. Scotland, through all its extent, felt the truth of the adage, that *the country is helpless whose prince is a child*. But the Border Counties, exposed from their situation to the incursions of the English, deprived of many of their most gallant Chiefs, and harassed by the intestine struggles of the survivors, were reduced to a wilderness, inhabited only by the beasts of the field, and by a few more brutal warriors.” “Though in other respects not more sanguinary than the rest of a barbarous nation, the Borderers never dismissed from their memory a deadly feud, till blood for blood had been exacted to the uttermost drachm.” Unable to repress the depredations committed by the Scottish on the English Borderers, James was inconsiderate enough to agree, that the King of England should be at liberty to issue letters of reprisal to his injured subjects, granting power to ‘invade the said inhabitants till their attempts were atoned for.’ This impolitic expedient, of committing to a rival sovereign the power of unlimited chastisement, increased the evil. For the inhabitants, finding that the sword of Revenge was sub-



stituted for that of Justice, were loosened from their attachment to the Scottish Government, and boldly carried on their depredations in defiance of both Governments. And in 1532 the evil was further increased by a breach between the two Governments; whereupon Northumberland on one hand, and Buccleugh on the other, at the head of large forces, reciprocally invaded their opponent's country. A short peace was quickly followed by a war which proved fatal to Scotland. In 1542, the Duke of Norfolk ravaged the Borders with an army of 20,000 men. Nothing is more remarkable in the events of that age, than the impromptu way in which an army is raised and dissipated. It forms itself on the horizon with the rapidity of a thundercloud, and passes away as speedily. James went to meet him with 30,000 men, and upon his retiring determined to pursue him into England; but was surprised to find that his own nobility were disaffected, and opposed this resolution. Enraged at this mutiny he sent 10,000 men to the western borders, who entered England at Solway Frith, but James having deprived Lord Maxwell of the command, which he conferred on his favourite Oliver Sinclair, the army in disgust retreated to Solway Moss in the debateable land, (that is the barren tract of morass between the Sark and the Esk claimed by both countries, and consequently the refuge of outlaws and vagabonds from each) and threatened to disband. Upon the appearance of a small body of English, not exceeding 500 men, they began to move off. But being unexpectedly pursued while in disorder, they immediately took to flight. Few were killed, for there was no fighting, but a great many prisoners were taken, including Lord Maxwell, and as above-mentioned Sir Thomas Kirkpatrick, with many of the principal nobility, who were all sent to London, and the English proceeded to lay waste the country with a ferocity of devastation hitherto unheard of. In Haynes' State Papers the places burnt and destroyed in the eastern borders, amount to 7 monasteries, 16 castles, 5 market towns, 240 villages, 13 mills and 3 hospitals.

A similar excursion was made on the west borders by Lord Wharton, who with 5000 men ravaged and overran Annandale, Nithsdale and Galloway, compelling the inhabitants to give pledges to serve the King of England, with their followers to the number annexed to their names. In the list given by Nicolson, Kirkpatrick of Closeburn is again put down for 403 men, being more than any other individual, and Kirkpatrick Laird of Kirkmichael at 222 men.

These men were said to be under assurance, and by virtue of their pledges were to be

exempt from plunder or injury, but such exemption was easily evaded, when it suited the soldiery to treat it as a nullity. Nor indeed were excuses wanting, for the Scots, greatly exasperated, took every opportunity for revenge, and made dreadful retaliation for the injuries they sustained.

A French auxiliary force compelled the English to abandon one after another the fortresses they occupied. A French officer, Monsienr Beaugué, has left some account of what he saw. He says, "the lust and cruelty of the English was such as would have made shudder the most savage Moor of Africa." And after describing some atrocious barbarities of the Scots, he says, "I cannot greatly praise them, but the truth is, that the English tyrannised over the Borders in a most barbarous manner, and I think it was but fair to repay them (according to the proverb) in their own coin."

There is a curious manuscript account by Sir Thomas Carleton, of his method of carrying out Lord Wharton's directions in 1547.

"The first day (he says) we made a road into Tevidale, and got a great booty of goods, and that night we lay in the old walls of Waucop Tower; but for lack of housing both for ourselves and horses, we could not remain there, the weather was so sore; and so we came to Canonby, where we lay a good space, and then went to Dumfries, and lay there, who submitted themselves to become the King's Majesty's subjects of England. And the morrow after my coming hither, I went into the Moot Hall, and making a proclamation that whoso would come in and make oath, and lay in pledges to serve the King's Majesty of England, he should have our aid and maintenance, and who would not we would be on them with fire and sword; many of the Lairds of Nidsdale and Galloway came in and laid in pledges. But the town of Kirkobree (Kircudbright) being 24 miles from Dumfries refused, insomuch that the Lord Wharton moved me, if it were possible with safety, to give the same town of Kirkobree a preciffe to burn it. And so we rode thither one night, and coming a little after sunrising, they who saw us coming barred their gates, and kept their dikes, for the town is diked on both sides, with a gate to the waterward, and a gate in the over end to the fell ward. There we lighted on foot, and gave the town a sharp onset and assault, and slew one honest man in the town with an arrow. The Tutor of Bombye near adjoining the said town, impeached us with a company of men, and so we drew from the town and gave Bombye the onset, where was slain of our part Clement Taylor, of their's three and divers taken, and the rest fled. And so

we returned, seized about 2000 sheep, 200 kye and oxen, and 40 or 50 horses, mares and colts, and brought the same towards Dumfries. The country beyond the water of Dee gathered, and came to a place called the Forehead Ford. So we left all our sheep, and put our worst horsed men before the nowte and nags, and sent 30 of the best horsed to preeke at the Scots, if they should come over the water, and I to abide with the standard in their relief, which the Scots perceiving came not over, so that we passed quietly that night to Dumfries, leaving the goods in safety with men and good watch. In the morning we repaired to the goods a mile beyond Dumfries, of intent to have divided and dealt the booty. But some claimed this cow, and some that nag, to be under assurance. [That is, assured to their owners by reason of their having come in and given pledges.] Above all, one man of the Laird of Empsfielde came amongst the goods, and would needs take one cow, saying he would be stopped by no man; insomuch that one Thomas Taylor, called Tom with his bow, being one of the garrison and being charged with the keeping of the goods, struck the said Scotsman on the head with his bow, so that the blood ran down over his shoulders. Going to his master there and crying out, his master went with him to the Master Maxwell. The Master Maxwell came with a great rout after him, and brought the man with the bloody head to me, saying with an earnest countenance, 'Is this think you well, both to take our goods and thus to shed our blood?' I considering the matter at the present to be two for one, thought best to use him and the rest of the Scots with good words, and gentle and fair speeches, for they were determined even there to have given us an onset, and to have taken the goods from us. So that I persuaded them to stay themselves, and the goods should be all stayed, and none dealt till the next morrow; and then every man to come that had any claim, and upon proof it should be redressed. And thus willed every man quietly for that time to depart. Upon this we all agreed, and so we left the goods in safe keeping, and came to Dumfries about one of the clock in the afternoon, giving every one of the garrison secret warning to put on their jacks, and bridle and saddle their horses, and to meet me immediately at the bridge end. And so they did. I sent 42 men for the goods, and to meet me at a ford a mile above the town, where we brought the goods over, and so came by Lochmaben, and divided them that night, and brought them to Canonby, where we remained before. And thus with wiles we beguiled the Scots."

Afterwards he goes on—"Considering Canonby to be far from the enemy, for even at that time all Annandale, Liddisdale, and a great part of Nidsdale and Galway, were in assurance, and entered to serve the King's Majesty of England, saving the Laird of Drumlanricke, who never came in nor submitted himself, and with him continued Alexander Carlell, Laird of Bridekirk, and his son the young Laird, I thought it good to practise some way we might get some hold or castle, where we might be near the enemy, and to lie within our own strength in the night, where we might all lie down together and rise together. Thus practising, one Sandee Armstrong, son to ill Will Armstrong, came to me and told me he had a man named John Lynton, who was born in the head of Annandale, near to the Lockwood, being the Laird of Johnston's chief house. And the said Laird and his brother were taken prisoners not long before, and were remaining in England. It was a fair large tower, able to lodge all our company safely, with a barnekin, hall, kitchen and stables, all within the barnekin, and was but kept by two or three fellows and as many wenches. He thought it might be stolen in a morning on the opening of the tower door; which I required the said Sandee to practice, with as much foresight to make it sure as was possible, for if we should make an offer and not get it, we had lost it forever. At last it was agreed that we should go with the whole garrison. We came there about an hour before day, and the greater part of us lay close without the barnekin. But about a dozen of the men got over the barnekin wall, and stole close into the house within the barnekin, and took the wenches and kept them secure in the house till daylight. And at sunrising two men and a woman, being in the tower, one of the men rising in his shirt and going to the tower head and seeing nothing stir about, he called on the wench that lay in the tower, and bad her rise and open the tower door, and call up them that lay beneath. She so doing and opening the iron door and a wood door without it, our men in the barnekin brake a little too soon to the door, for the wench perceiving them leaped back into the tower, and had gotten almost the wooden door to, but one got hold of it that she could not get it close to, so the skirmish rose, and we over the barnekin broke open the wood door, and she being troubled with the wood door left the iron door open, and so we entered and won the Lockwood; where we found truly the house well purveyed for beef salted, malt, big, haver meal, butter and cheese. Immediately taking a short survey of the house, leaving the same in charge with Sandee Armstrong, and giving strict charge no



man to embezzle or take away any manner of thing, until my Lord Wharton's mind and pleasure should be known, I rid to his Lordship to Carlisle, who willed me in the King's Majesty's name to keep that house to his Grace's use, and to ride to Moffat four miles off, and make proclamation according to the effect of the proclamation made before in Dumfries, and whoso did others wrong, either by theft, oppression, or otherwise, that I should order it among them, and in all weighty causes to refer it to his Lordship and his council; which I accomplished to the utmost of my power, and so continued there for some time in the service of the King's Majesty, as Captain of that house, Governor and Steward of Annandale under the Lord Wharton; in which time we rode daily and nightly upon the King's enemies. Amongst others, soon after our coming there, I called certain of the best horsed men of the garrison, declaring to them that I had a purpose offered by a Scotsman which would be our guide, and that was to burn Lamington [the house of Sir William Baillie] which we did wholly, took prisoners and won much good malt, sheep, horse, and insight, and brought the same to Moffat in Annandale, and there distributed it, giving every man an oath to bring in all his winnings of that journey. Wherein truly the men offended so much their own conscience, very many concealing things which afterwards I spied out, that after that time my conscience would never suffer me to minister an oath for this. After that I made a rade in by Crawford Castle to the head of Clyde, where we seiged a great vastil house of James Douglas, which they held til the men and cattle were all devoured with smoke and fire. And so we returned to Lockwood, at which place we remained very quietly, and in a manner in as civil order, both for hunting and all pastime, as if we had been at home in our own houses."

The Borders continued in an intermittent state of war and peace, till after the accession of James I. when the extremities of the two kingdoms became the centre of the United Kingdom, and the worst of the evil disappeared, although it took a much longer time to put an end to the system of petty rapine, to which they had been for centuries accustomed, and which was to them the normal state of existence.

Sir Walter Scott, in his introduction to the *Border Minstrelsy*, notices some of their peculiar customs and modes of life. "Their morality," he says, "was of a singular kind. The rapine by which they subsisted they accounted lawful and honourable. Ever liable to lose their whole subsistence by an incursion of the English on a sudden breach of truce, they cared little to waste their time in cultivating crops, to be reaped by their

focs. Their cattle therefore was their chief property, and these were nightly exposed to the southern Borderers, as rapacious and active as themselves ; hence robbery assumed the appearance of fair reprisal. The fatal privilege of pursuing marauders into their own country for recovery of stolen goods, led to continual skirmishes. The Warden also, himself frequently the chieftain of a Border horde, when redress was not instantly granted by the opposite officer, retaliated by a *Warden Raid*. In such cases the Moss troopers who crowded to his standard, found themselves pursuing their own craft under legal authority. Equally unable and unwilling to make nice distinctions, they could not understand that what was to-day fair booty, was to-morrow a theft ; they called themselves Freebooters, but repudiated the title Thief.

But since King James the Sixth to England went  
 There is no cause of grief,  
 And he that hath transgressed since then  
 Is no Freebooter, but a Thief."

This strange precarious adventurous mode of life was not without its pleasures. The shifting tides of fear and hope, the flight and pursuit, the peril and escape, the alternate famine and feast of the savage and the robber, after a time render all steady, progressive, unvaried occupation tame and insipid.

To such men may be applied the Poet's description of the "Cretan Warrior," translated by Dr. Leyden.

"My sword, my spear, my shaggy shield,  
 With these I till, with these I sow,  
 With these I reap my harvest field,  
 The only wealth the gods bestow,  
 With these I plant the purple vine,  
 With these I press the luscious wine.

"My sword, my spear, my shaggy shield,  
 They make me lord of all below,  
 For he who dreads the lance to wield  
 Before my shaggy shield must bow,  
 His lands, his vineyards must resign,  
 And all that cowards have, is mine."



The domestic economy of the Borderers was simple enough. The revenues of the Chieftain were expended in rude hospitality. His wealth consisted chiefly in herds of cattle, which were consumed by the kinsmen, vassals, and followers, who aided him to acquire and protect them. We learn from Lesley that they were generally temperate in the use of intoxicating liquors, and we are left to conjecture how they occupied the time when winter or accident confined them to their habitations. The tales of tradition, the song with the pipe or harp of the minstrel, were probably their sole resources against *ennui*, during the short intervals of repose from military adventure.

Highly superstitious, believing in witchcraft, ghosts, brownies, and fairies, they had a tale of excitement for every wild heath, rugged cliff, or gloomy woodland. But love and war furnished the favourite themes, and above all, the oft-told tale of exploits in which they themselves had been engaged, each circumstance remembered and repeated with a minuteness that giving reality to the past, roused every slumbering feeling of affection, grief, and hatred, till starting to their feet they mutually pledged one another with wild shouts, never to forget the past, but deeply to revenge the friends whom they mourned.

Oh War, thou hast thy fierce delight,  
 Thy gleams of joy intensely bright,  
 Such gleams as from the polished shield,  
 Fly dazzling o'er the battle field ;  
 Wild transports heave the bosom high,  
 Amid the pealing conquest cry,  
 Scarce less when after battle lost,  
 Muster the remuants of the host,  
 And as each comrade's name they tell,  
 Who in the well fought conflict fell,  
 Knitting stern brow o'er flashing eye  
 Vow to avenge them or to die.

The inroads of the Marchers when stimulated only by the desire of plunder, were never marked with cruelty, and seldom even with bloodshed, unless when pressed to self-

defence. They held that property was common to all who stood in need of it; but they abhorred and avoided unnecessary homicide on all such occasions. This humanity was, however, entirely laid aside in case of deadly feud, either against an Englishman or any neighbouring tribe. In that case the whole force of the offended clan, was bent to avenge the death of any of their number. Their vengeance vented itself, not only upon the homicide and his family, but upon all his kindred, his whole tribe, every one whose death or ruin could affect him with regret.

The houses and castles of the Borderers were built with more regard to security than comfort, and knowing that the English surpassed them in the art of assaulting and defending fortified places, they trusted more to their woods and hills than to their walls. The residence of a Chieftain therefore was commonly a large square battlemented tower called a keep, with walls of immense thickness, placed on a precipice or on the banks of a torrent, or surrounded by a moat, and where none of these were available, they were sometimes built without any opening on the ground floor, and were entered by a moveable ladder. An outer wall with some slight fortification served as a protection for the cattle at night, the whole encompassed as far as possible with pathless woods, morasses, rocks and torrents. No wonder that James the Fifth, on approaching the castle of Lockwood in Annandale, is said to have exclaimed, that He who built it must have been a knave at heart.

Sir Thomas Kirkpatrick was one of that convention of Prelates, Earls, and great Barons, appointed to meet in Edinburgh, 24th June 1545, (Keith's History) which led to the signal successes of that year, when the English army was defeated at Auerham, their generals killed, and above 1000 men made prisoners; which was followed up by an inroad into England, and avenged by the Earl of Hertford, who ravaged the western borders of Scotland; the result being great misery inflicted on both countries, without any advantage to either.

He died in 1560, without issue, and was succeeded by his nephew Roger. In the following year his widow, Dame Margaret Sinelair Lady Closeburn, granted a discharge of her jointure, to her dearest and best beloved nephew, Roger Kirkpatrick of Closeburn.

14. SIR ROGER succeeded his uncle, and married The Right Honorable Lady Jean Cunningham, daughter of William Earl of Glencairne, grand-aunt to James, first Duke of Hamilton, and to William Earl of Glencairne, Lord High Chancellor of Scotland.

In 1561 he entered into a contract with the predecessors of the Duke of Queensbury and Earl of Dumfries, and with Sir Walter Grierson of Lag, Sir John Gordon of Lochinvar, and others, whereby they were bound to stand by one another against all mortals, to keep together in all assemblies, armies, and wars, and to submit all differences among themselves to the majority, &c. This Baron of Closeburn came speedily into the measures of the Reformation, perhaps influenced by his wife's relations, whose chief, the Earl of Glencairne, was a most vehement convert of Knox. Yet he adhered to Queen Mary with due loyalty. When the rebellious Lords of Argyll, Murray, &c., under the mask of religion, made an attempt to overthrow the Queen's authority, and were compelled to fly into England, the Gentlemen of Nithsdale and Annandale subscribed a bond to defend the Queen and resist the rebels, &c., dated at Edinburgh, 21st of September, 1565; and in this bond appears the signature of Closeburn.

On the 8th of May, 1568, nine earls, nine bishops, eighteen lords, and others, obliged themselves by bond to defend the Queen's Majesty, and this is also subscribed by the Barons of Closeburn and Kirkmichael. (Keith's History, p. 476.)

His loyalty cost him dear, for the Earl of Sussex invaded the Borders with four thousand men, and 'destroyed with poulder Cloisburn and divers utheris houss, and carried away great spulzie.' (History of King James the Sixth.)

15. SIR THOMAS succeeded his father (1584), and was made Gentleman of the Privy Chamber by James the Sixth. By his first wife he had several children. On her death he married Barbara Stewart, daughter of Sir Alexander Stewart of Garlies (ancestor of the Earls of Galloway), by Catherine, daughter of Andrew Lord Herries of Terregles; the marriage contract is dated 17th of December, 1614. She was the widow of John Kirkpatrick of Alisland. John Maxwell, Lord Herries, succeeded in 1667 to the Earldom of Nithsdale. His son, having joined the Rebellion

in 1715, was taken prisoner, attainted and ordered for execution with Lords Derwentwater and Kenmuir, but escaped the previous night in woman's apparel. The attainder having been reversed, the title of Lord Herries was claimed by William Constable Maxwell, and judgment given in his favour, 23rd June, 1858.

On the 24th of May, 1589, at the trial of the Lords Errol, Huntly, and Bothwell, Sir Thomas Kirkpatrick sat as one of the assize, together with Lords Hamilton, Angus, Morton, Atholl, Mar, Marshall, Seton, Somerville, Dingall, Cathcart, and the Barons of Pitarrow and Lag. (Spottiswood, p. 376.)

The same year the King granted to him a Writ of Fire and Sword, against sundry persons who had committed depredations upon his baronies and lands of Closeburn, Bridburgh, Auchinleck, Alisland, &c., constituting him his Justiciary in those parts. And again, in the year 1593, he obtained another of these dreadful warrants. At this time the Border outrages were enormous, and the country, far and wide, was laid waste with fire and sword. On the 6th of December this year (1593), in a fight called the battle of Dryffe Sands, near Lockerby, Lord Maxwell was killed, and the Lairds of Closeburn, Drumlanrig, and Lag, who had joined his banner against the Laird of Johnstone, barely escaped by the fleetness of their horses.

Tradition reports, that previous to the fight Maxwell had offered a £10. land to any of his party who should bring him the head or hand of the Laird of Johnstone. This being reported to Johnstone, he answered that he had not a £10. land to offer, but would give a five merk land to the man who should that day cut off the head or hand of Lord Maxwell. Willie of the Kirkhill, mounted upon a young grey horse, rushed upon the enemy, and earned the reward, by striking down their unfortunate chieftain, and cutting off his right hand.

Sir Walter Scott, in his *Minstrelsy of the Scottish Border*, gives a fuller and somewhat different account of this affair. In 1585, he says, John Lord Maxwell, or, as he styled himself, the Earl of Morton, having quarrelled with the Earl of Arran, reigning favourite of James the Sixth, and fallen of course under the displeasure of the Court, was denounced Rebel. A commission was also given to the Laird of Johnstone, then Warden of the West Marches, to pursue and apprehend the ancient and rival enemy of his house. Two bands of mercenaries, commanded by Captains Cranstoun and Lammie,



who were sent from Edinburgh to support Johnstone, were attacked and cut to pieces at Crawford Muir, by Robert Maxwell, natural brother to the chieftain; who, following up his advantage, burned Johnstone's Castle of Lochwood, observing, with savage glee, that he would give Lady Johnstone light enough by which 'to set her hood.' In a subsequent conflict Johnstone himself was defeated, and made prisoner, and is said to have died of grief at the disgrace which he sustained. By one of the revolutions common in those days, Maxwell was soon after restored to the King's favour in his turn, and obtained the Wardenry of the West Marches. A bond of alliance was subscribed by him and Sir James Johnstone, and for some time the two clans lived in harmony. In the year 1593, however, the hereditary feud was revived on the following occasion. A band of marauders, of the clan Johnstone, drove a prey of cattle from the lands belonging to the Lairds Crichton, Sanquhar, and Drumlanrig, and defeated with slaughter the pursuers, who attempted to rescue their property. The injured parties being apprehensive that Maxwell would not cordially embrace their cause, on account of the late conciliation with the Johnstones, endeavoured to overcome his reluctance by offering to enter into bonds of manrent, and so to become his followers and liegemen; he, on the other hand, granting to them a bond of maintenance or protection, by which he bound himself in usual form to maintain their quarrel against all mortals saving his loyalty. Thus the most powerful and respectable families in Dumfriesshire became for a time the vassals of Lord Maxwell. This secret alliance was discovered to Sir James Johnstone by the Laird of Cummertrees, one of his own clan, though a retainer to Maxwell. Cummertrees even contrived to possess himself of the bonds of manrent, which he delivered to his chief. The petty warfare between the rival barons was instantly renewed. Buccleugh, a near relation to Johnstone, came to his assistance with his clan, 'the most renowned Freebooters, the fiercest and bravest warriors among the Border tribes.' With Buccleugh also came the Elliots, Armstrongs, and Graemes. Thus reinforced, Johnstone surprised and cut to pieces a party of the Maxwells stationed at Lochmaben. On the other hand, Lord Maxwell, armed with the royal authority, and numbering among his followers all the barons of Nithsdale, displayed his banner as the King's Lieutenant, and invaded Annandale at the head of two thousand men. In those days, however, the royal auspices appear to have carried as little good fortune, as effective strength with them. A desperate conflict, still renowned in tradition, took place at the Dryffe Sands, not far from Lockerby, in which Johnstone, although inferior

in numbers, partly by his own conduct, partly by the valour of his allies, gained a decisive victory. Lord Maxwell, a tall man and heavily armed, was struck from his horse in the flight, and cruelly slain, after the hand which he stretched out for quarter, had been severed from his body. Many of his followers were slain in the battle, and many cruelly wounded, especially by slashes in the face, which wound was thence termed a 'Lockerby Lick.' The Barons of Closeburn, Drumlanrig, and Lag escaped by the fleetness of their horses.

In the year 1602, Sir Thomas's eldest son and heir apparent, obtained permission from King James, to pass forth from Scotland to whatever parts he pleased, and to remain forth thereof for the space of three years, but 'the Appeirand of Closeburn during his absence furth of the realme, is to behave himself as ane dewtiful and obedyent subject to us, and to attempt naething in hurte or prejudice of neither our estate and realme, nor the trew religione presentlie professit within the same, otherways this our licence to be of nane avail.'

In the year 1603, King James granted to Sir Thomas, a patent of free denizen within the Kingdom of England, (Rymer, Vol. 16), and in 1618 made him one of the Commissioners appointed to repress the rapiues on the Borders. (Ibidem.)

16. SIR THOMAS succeeded his father in 1628, and married Dame Agnes Charteris, daughter of Sir John Charteris of Amisfield and of the Lady Margaret Fleming, daughter of the Earl of Wigton, by whom he had eleven children.

In the beginning of the eighteenth century, Janet, only child of Colonel Francis Charteris and heiress of his great estates, married James fourth Earl of Wemyss, whose son the fifth Earl took the name of Charteris.

The oldest son, Thomas, having died young,

17. JOHN, the second son, succeeded his father in 1645, and died in October 1646, as appears from his will, with inventory of possessions subjoined, which contains the following passage. " And as touching the inventrie goods, silver work, and uther vessel within the place of Closeburn, the samen were by Robert Douglas of Tillequhillie, Lieutenant-Colonel to Sir John Brown of Fordell, Knight, and Lieutenant



Vauss, with others their complices, at the direction and by the warrand of the said Robert Douglas, plundered and taken away what was any way transportable.”

This Sir John Brown was the rebellious Governor of Carlisle, and the same who routed Lord Digby on Carlisle sands.

18. ROBERT, the third son of Sir Thomas, succeeded his brother John in 1646. He married Dame Grizzel Baillie, daughter of Sir William Baillie of Lamington (a direct descendant of Sir William Wallace) by Grizzel daughter of Sir Claude Hamilton of Elieston, son to Claude Lord Paisley, and brother to James, first Earl of Abercorn. This Lady was second cousin to Count Anthony Hamilton, author of the delightful *Memoires de Grammont*, to the Countess de Grammont, and to Sir George Hamilton, who married La Belle Jennings, sister to the Duchess of Marlborough and afterwards wife to the Duke of Tyrconnel. She died in 1664, leaving her husband with six children.



19. SIR THOMAS KIRKPATRICK (the first Baronet) succeeded his father. He married first the Honorable Isabel Sandilands, daughter of John Lord Torphichen, descended from Sir James Sandilands, who married Joan the daughter of King Robert the Second. The marriage contract is dated 25th April, 1666. Upon her death he married Sarah daughter of Robert Fergusson of Craigdarroch, their marriage contract is dated 7th December, 1672. In 1686 he married his third wife Grizzel, daughter of

Gavin Hamilton of Raploch, and widow of Inglis of Murdistown, by her he had no issue.

In 1671 Sir Thomas resettled his estates by Charter ratified by Parliament, 1672, including the patronage of the united Kirks of Closeburn and Dalgarno, and in 1681, he obtained a Parliamentary grant of the right of holding a weekly market on Monday, and two yearly fairs.

“He supported,” says Playfair, “the importance of his family with much splendour and hospitality, and continued true to the Crown and Mitre through the chameleon reigns of Charles and James. His efforts in the service of his country were so acceptable to the throne, that the latter monarch created him a Baronet, by patent dated at Whitehall, 26th March, 1685. It is reported that after the Revolution he had the offer of a Coronet, with the style and dignity of Earl of Closeburn; but he rejected the honour, doubtless for some good reason which is not over apparent to his posterity.”

It may appear at first sight inconsistent, that Sir Thomas Kirkpatrick, a staunch supporter of the Stuarts, and rewarded by them with a Baronetcy, should have had the offer of a Coronet from William the Third. But it should be borne in mind, that the family had for more than a century been warm advocates of the Reformation, confirmed and strengthened by the marriage of Sir Roger Kirkpatrick with the Earl of Gleucairne, one of the most strenuous supporters of the cause.

The Barons of Closeburn, though by no means holding the opinions of the Cameronians and other wild fanatics, had often afforded shelter to the persecuted Covenanters, and had permitted them to lie hid in Crechope Linn, a wild dell in Closeburn, with a waterfall of 90 feet at the upper end, now much frequented for its romantic beauty. The readers of *Old Mortality* will remember that it is mentioned by Sir Walter Scott in his description of the visit of Morton to Balfour of Burley, in his wild retreat at the Black Linn. In the Introduction to that work, Sir Walter says, that *Old Mortality* was a native of the parish of Closeburn, and his wife a domestic servant of Sir Thomas Kirkpatrick.

Simpson in his *Traditions of the Covenanters*, relates that a party of troopers were one day sent to the mansion of Sir Thomas Kirkpatrick, for the purpose of demanding

his assistance in searching for Whigs in his woods. The woods and heights and linns and cottages of Closeburn furnished shelter for many a wanderer, and afforded ample scope for the strolling soldiery, who spread themselves abroad in quest of those who sought to maintain the privilege of worshipping God according to the dictates of their own consciences. Sir Thomas was obliged to comply with the demand, and accompanied the soldiers into the woods. In proceeding to the different localities, which were supposed to be resorted to as hiding places by the Covenanters, Sir Thomas pursued the nearer routes by the narrow footpaths that led through the woods, while the horsemen were obliged to take the more circuitous roads. In winding his way among the thick trees, Sir Thomas came upon a man fast asleep by the side of his path. The man was obviously one of the individuals whom the soldiers had come to seek, but the gentleman in whose way Providence had there placed him, had too much humanity to publish his discovery. Near the place where the man was sleeping on his grassy bed, under the guardianship of Him who never slumbers nor sleeps, was a quantity of newly cut brackens, which Sir Thomas turned over with his staff to cover the sleeping man from the prying eyes of the troopers. The action was observed by one of the horsemen, who cried out that the guide was doing something suspicious, but before any of the party had time to dismount and investigate the matter, Sir Thomas turned round, and in an indignant tone asked, if he could not be permitted to turn over the loose brackens and withered leaves of his own forest without their permission, and so the matter ended and the man remained undiscovered. This anecdote (Simpson adds) shews the power which the military at that time assumed, and their insolence even to their superiors. Gentlemen and Commoners were treated alike by the lawless troopers who were let loose on an oppressed country.

Sir Thomas had a confidential domestic servant, whom he employed to give warning to the Covenanters seeking shelter on his property, and for the protection thus afforded by the family they were endeared to the whole country side. It is easy therefore to understand how, notwithstanding their attachment for the Stuart Dynasty, and their little sympathy with the excesses of the fanatics, they would shrink from abetting any attack on the reformed religion.

Sir Thomas Kirkpatrick, active, energetic, and decided, did nothing doubtfully; and when he saw the obstinacy of James, and the danger of the cause which he had so much at heart, when loyalty to a family was weighed against the claims of religion, he neither hesitated as to his decision, nor shrunk from the consequences, but threw himself warmly into the contest, which terminated so happily for his country, and his sacrifices and exertions were duly appreciated.

In the month of June, 1691, he was by Act of Council appointed Lieut.-Colonel of the Dumfriesshire Militia, and he represented the Shire of Dumfries in Parliament for several years. In these offices he was performing services suited to his station and useful to his country; in fact, the Coloneley of the Militia, may be said to be rather the continuation of services, than a new service. The Barons of Closeburn were never Borderers in the conventional acceptation of that term, they never encouraged Border outrages, they had much to lose and little to gain by such barbarisms; but in conjunction with other Barons, sometimes with and sometimes without a Commission from the Crown, they interfered to suppress raids and robberies, and he could feel no difficulty therefore in accepting a Commission in the Militia, which was established for the purpose of maintaining the peace of the country.

But, on the other hand, it may be easily understood, that he felt a delicacy in accepting the personal reward of an Earldom, which might be misconstrued into his having for selfish objects assisted William against the Stuarts, who had so recently bestowed on him a Baronetcy; and it is also a tradition in the family, that he preferred remaining what his forefathers had been, a leader among the ancient gentry, rather than be lost as a new-made Peer.

The right to use Supporters being now restricted to Peers and Knights of the Bath, a doubt may suggest itself as to the propriety of representing a Baronet's arms with Supporters. But it was not as a Baronet that Sir Thomas Kirkpatrick and his descendants claim the right. They claim, as old Scottish Barons, who having from the earliest period used Supporters, protested against being compelled to discontinue, and were tacitly permitted to retain them.

In the original grant of Baronetcies, their distinctive badge was represented on a Canton, and the Supporters within the Canton. But in Patents posterior to 1629,



the whole of the clause relating to the Canton is omitted, and the Patentec is not allowed to carry one at all, but in lieu thereof, ‘ Around his neck an orange tawuy silk riband, whereon shall be pendant on an Escutcheon Arg. a Saltire, Az. therein an Inescutcheon of the arms of Scotland, &c.’ The Badge is now suspended *below* the shield on a riband, *not* placed *upon* it.

About this time a great and extraordinary change was taking place in the social, as well as political state of the country. The union of the two kingdoms had already produced considerable influence on many parts of Scotland, where, as in England generally, a long period of peace had wrought an immense revolution in the habits of all classes. Thousands who in former times would have scorned to seek a livelihood by mercantile pursuits, had settled quietly down to every variety of business, not merely to agriculture; but even the desk and the counting-house were no longer despised, when it was felt that something must be done, and it was seen that these opened a sure and often rapid path to fortune. Such pursuits were, however, utterly alien to the habits and feelings of the Borderer. Not only the habitual marauder, but the Chieftain who was accustomed to repress his outbreaks, looked upon war as more congenial than the pursuits of commerce. The pacification of all border feuds and predatory disturbances, had deprived the Borderer of his usual employment, and compelled him to abandon those exciting contests which formed the business and happiness of his life. But long habit had unfitted him to meet the change. For centuries he had lived in a state of wild independence of all rule, carrying on petty warfare with his neighbour at his own pleasure, without regard to king or law. Even up to the Revolution such outbreaks were not forgotten. We have seen that within less than half a century Closeburn had been sacked by the rebellious Governor of Carlisle.

Yet lived there still who could remember well,  
How when a Border Chief his bugle blew,  
Field, heath, and forest, dingle, cliff, and dell,  
And solitary moor the signal knew,  
And fast the faithful clan around him drew,

What time the warning note was keenly wound,  
What time aloft their kindred banner flew,  
While clamorous warpipes yelled the gathering sound,  
And while the Fiery Cross glanced like a meteor round.

When we see the attractions of wild life, even in its humblest form, it may be easily understood how fascinating and rivetting was the life of a Scottish Borderer. But now this must be all given up, the charm was broken, and left nothing but trouble and regret behind. The lower classes found themselves sinking into hopeless poverty, and even the Chieftains discovered that the horde of retainers, which once constituted their strength and their pride, had now become their weakness and ruin. The necessity for some change had arrived. But what was to be done? Difficult under any circumstances, to the Borderer it appeared impossible. He saw nothing around him offering any chance of relief from the pressure under which he was irresistibly borne down. Under such circumstances emigration seems to be the only step that holds out the promise of escape. At first the idea of emigration is revolting. To abandon for ever the home of our youth and the haunts of our forefathers, is too painful to be looked upon as relief from difficulty; but by degrees the necessity is admitted, and many alleviating circumstances are discovered. When a man is driven to make a change in his habits, when he is compelled to do that to which he has been unaccustomed, and for which he has entertained feelings of repugnance, he finds it easier to make the change away from his early associations, and out of sight of those who participate in these feelings; and when the experiment has been tried, and the emancipated sufferer has felt the benefit of the change, he urges those he left behind to hazard the trial, and the tide of emigration sets steadily in. And so it happened with the Scottish Borderer. Sometimes the whole family broke up the old establishment, and abandoned for ever the home of their ancestors. More frequently the young, and strong, and hopeful departed to seek their fortunes, leaving their elders to wither away in the places where they were too deeply rooted for transplantation—places to which they themselves fostered a lingering hope that they might one day return crowned with success. Sometimes, and more particularly in the higher families, a youth, more susceptible than the rest, started off, unbidden and unblessed, to escape from the hopelessness that was crushing his young energies,



and presented himself as a candidate for employment in the merchant's counting-house. Not unfrequently the son who ventured to leave the paternal roof with any such intention, was held to have degraded himself, to have lost caste; and while he fostered in his banishment the remembrance of that which was still the home of his dreams, he seldom returned to a place where he was no longer welcomed as a son.

In a note appended to his notice of the first Baronet, Playfair says, 'It is a tradition that previous to the decease of any of the Kirkpatrick family, the person about to die beheld a swan upon the lake which formerly surrounded the Castle of Closeburn.' The last omen on record is said to have saddened the third nuptials of Sir Thomas Kirkpatrick, the first Baronet. On the wedding day his son Roger went out of the castle, and chancing to turn his eyes towards the lake, descried the fatal bird. Returning into the hall overwhelmed with melancholy, his father rallied him on his desponding appearance, alleging a stepmother as the occasion of his sadness. The young man only answered, 'Perhaps before long you also may be sorrowful,' and expired that very night.

Playfair names Roger as the son in this legend, a curious inadvertence, since the note in which it occurs is appended to the paragraph in which he states, that Roger, then a mere child, lived afterwards at Alisland, and died a bachelor; whereupon Alislaud, which was left to him by his father, reverted to his eldest brother Thomas, the second Baronet, who bequeathed it to his son William, whose son Charles took the name of Sharpe of Hoddam, and was father of Sir Walter Scott's friend, Charles Kirkpatrick Sharpe, author of the above ballad. Burke, in his *Family Romance*, gives the legend at much greater length, and says the name is variously given as James or Robert.

Alisland, or Ellislaud, in more recent times acquired a somewhat classic character as the residence of Burns, and the place where many of his poems were written. When the poet had made a little money, he had a fancy to become a farmer, and, seduced by the beauty of the situation, took a lease of Ellisland. Burns was delighted with his new abode, adjoining the grounds of Friars Carse, one of the loveliest spots in Nithsdale, separated only by the clear stream of the Nith from the holms and groves of Dalswinton, and commanding an extensive and charming view of the river winding between its woody banks. He little heeded the warning of his friend, who, in reply to his enthusiastic admiration, said, 'You have made a poet's choice, rather than a farmer's.' An observation which only too soon proved prophetic. In less than two years he writes to



his brother: 'This farm has undone the enjoyment of myself. It is a ruinous affair on all hands.' But what could be expected of such a wild undertaking? Of all employments farming is not only the most precarious, but that which depends most on the constant attention, exertion, and skill of the master. The farmer who hopes to thrive must be up early and late, and eat the bread of carefulness. If he does not hold the plough, he must watch the work. His gains depend on the careful accumulation of small things; the neglect of trifles is ruin. Hence the amateur often fails in spite of his superior intelligence and education, while the illiterate but plodding yeoman secures a competence. But what was the inevitable result when the hours which ought to have been spent among men and cattle were engrossed in books and poetry; and still worse when time and money were wasted in extravagant debauchery. If we are to judge the poet by his writings, if the humorous but extravagant poem, 'The Whistle,' written at this time, is any clue to his mode of life, nothing could rescue him from speedy ruin. This poem, as appears by the following extracts, is the story of a contest which took place in the dining-room of Friars Carse, between Sir Robert Lawrie of Maxwellton, Robert Riddell, Esq. of Glenriddell, and Alexander Ferguson, Esq. of Craigdarroch, for a Bacchanalian Whistle, which had been won in the reign of James the Sixth from a Dane, a matchless champion of Bacchus, who had conquered the Bacchanalians of all foreign courts, but succumbed to the drinking powers of the ancestor of Sir Robert Lawrie. The whistle had been subsequently lost to Walter, the ancestor of Robert Riddell, and the three gentlemen now met to contest the championship, Burns being the umpire, and the conqueror being he who last retained power to blow the whistle.

I sing of a whistle, a whistle of worth,  
 I sing of a whistle, the pride of the north,  
 Was brought to the Court of our good Scottish King,  
 And long with this whistle all Scotland shall ring.

\*       \*       \*       \*       \*

Three joyous good fellows, with hearts clear of flaw,  
 Craigdarroch, so famous for wit, worth, and law,  
 And trusty Glenriddel, so skilled in old coins,  
 And gallant Sir Robert, deep read in old wines.

\*       \*       \*       \*       \*

To the board of Glenriddel our heroes repair,  
 So noted for drowning of sorrow and care,  
 But for wine and for welcome not more known to fame,  
 Than the sense, wit, and taste of a sweet lovely dame.

A bard was selected to witness the fray,  
 And tell future ages the feats of the day—  
 A bard who detested all sadness and spleen,  
 And wished that Parnassus a vineyard had been.

\*       \*       \*       \*       \*

Six bottles a-piece had well worn out the night,  
 When gallant Sir Robert, to finish the fight,  
 Turned o'er in one bumper a bottle of red,  
 And swore 'twas the way that their ancestors did.

Then worthy Glenriddel, so cautious and sage,  
 No longer the warfare ungodly would wage ;  
 A high ruling Elder to wallow in wine !  
 He left the foul business to folks less divine.

The gallant Sir Robert fought hard to the end,  
 But who can with fate and quart bumpers contend ?  
 Though fate said—a hero shall perish in light ;  
 So up rose bright Phœbus—and down fell the knight.

Next up rose our bard like a prophet in drink,  
 Craigdarroch, thou'lt soar when creation shall sink ;  
 But if thou would'st flourish immortal in rhyme,  
 Come—one bottle more—and have at the sublime.

\*       \*       \*       \*       \*

The bard drank bottle for bottle, and was quite disposed to take up the conqueror when the day dawned. The whistle is still kept as a curiosity, and was last in the possession of the Right Honourable R. Cutler Ferguson of Craigdarroch, M.P.

Who can wonder that farming proved a failure, if this is a sample of life at Ellisland!

What a curious picture does this scene portray, of a state of society happily long since passed away, when three gentlemen of station and education could enter upon such a contest, and engage the most popular bard of the day to blazon the achievement! And what a series of changes in border life does this short memoir disclose!—War and bloodshed, feuds and faction fights, forays and marauding expeditions, superstition, religious persecution, bacchanalian orgies! Who that has felt the blessings of Civilization, can regret the days of Barbarism, or sympathize with the cant that raves about the poetry of the olden time, and sneers at modern Utilitarianism?

Grove, in his *Antiquities of Scotland*, vol. 1, p. 146, says: Friars Carse in Nithsdale. Here was a cell dependent upon the rich Abbey of Melrose, which at the Reformation was granted by the Commendator to the Laird of Ellisland, a cadet of the Kirkpatrick of Closeburn.

Under the head of traditions it may be remarked, that an estate was lost by the obstinacy of one of the Lords of Closeburn, who while at dinner would not allow his drawbridge to be lowered to admit the visit of his cousin, the Laird of Ross. It appears that the irate Laird desired the porter to tell his master, that by his refusal a better dinner had slipped away from his mouth than ever went into it; and rode on to Drumlanrig, where he altered his will, and instead of settling the estate of Ross on Kirkpatrick, according to his first intention, bequeathed it to his kinsman Douglas, ancestor of the Duke of Queensbury, whose title, Viscount Ross, is taken from this estate.

In former times many precautions were taken towards security during meals. In 'Orders for household servantes first devised by John Harynton in 1566,' is the following ordinance, 'That the Courte gate be shutt eache meale, and not opened during dinner or supper without just cause, on pain the porter to forfeit for everie time one penny.' (*Hist. Cumberland*, p. 232.)

20. SIR THOMAS, the second Baronet, succeeded his father in 1700. In the year 1702, he married Isabel the eldest daughter of Sir William Lockhart of Carstairs, Baronet, by the Lady Isabel Douglas, sister of William Duke of Queensbury. The

children of this marriage were Thomas born 1704, James who died at Calcutta a bachelor, William, and Robert, who, as well as a daughter, died in infancy.

This Baronet, who is still remembered with warm affection as 'The good Sir Thomas,' took an active part in repressing the rebellious of 1715.

In Rae's History of the Rebellion, published in 1718, after mentioning that towards the close of Queen Anne's reign, many attempts were made to get the exiled family restored, and that the feeling against the House of Hanover was particularly strong in Scotland, he says, 'To prevent such a calamity meetings were held by the well affected, and suitable measures adopted. Sir Thomas Kirkpatrick of Closeburn, Alexander Fergusson of Craigdarroch, and other gentlemen in Nithsdale advanced considerable sums of money, and provided the country with arms and ammunition; and took care to have the men instructed in military exercises, that so they might be in better condition to defend their lives, their liberties, their religion, and the Protestant succession, against the attempts which the Popish and Jacobite party were secretly plotting, although they durst not as yet openly avow their intentions. After the death of Queen Anne, and when there was reason to expect a rising of the rebels, Government sent Major Aikman to inspect the preparations, and on the 10th August, he reviewed such of the Fencible men in the upper part of Nithsdale as were provided with arms, at a general rendezvous on Marjory Muir. He was accompanied by Sir Thomas Kirkpatrick and other gentlemen, who afterwards adjourned to Closeburn to concert the measures proper to be taken in view of the present danger. At this meeting detailed instructions were issued, and so well were they carried out, that in that month and September they rendezvoused 400 effective men, besides 100 horsemen. In September the Duke of Argyle, Commissioner-in-Chief for Scotland, sent for volunteers to join the Royal army at Stirling, and for that purpose a review was held at Keir Moss not far from Penpont, where the people from the neighbouring parishes assembled in arms with Sir Thomas Kirkpatrick, James Grierson of Capenoch and others, when the Royal Standard was set up and volunteers called for. The gentlemen encouraged the men to volunteer, particularly Sir Thomas Kirkpatrick, who in a handsome speech promised to such of them as were his own tenants, that he would



defray their charges going and returning, and give each volunteer eight pence a day while they attended the camp. At this time Sir Thomas' services were required in his own county, for it was determined to call out the Militia, and for this end the Marquis of Annandale, Lord Lieutenant, appointed Sir Thomas Kirkpatrick, Sir William Johnstone of Westerhall, Baronet, Alexander Fergusson and others, Deputy Lieutenants, with instructions for convening the Fencible men in order to raise the militia. Shortly after this the rebels rose in Dumfriesshire and Kirkcudbright, headed by the Earl of Nithsdale and Lord Kenmuir. They threatened Dumfries, but so firm a front was shewn, that after some time they were compelled to retire into the north of England, and join the forces under Lord Derwentwater.'

Upon this occasion the men of Closeburn carried a Banner, still preserved by the family, five feet long and four deep, the colour of the family livery (blue with yellow facings), with the Baronet's arms fully blazoned, surmounted by an inscription:

FOR KING GEORGE

LIBERTY AND RELIGION ACCORDING TO

SCOTS REFORMATION.

William, the third son of the second Baronet, had the estate of Alisland bequeathed to him by his father. He represented the Boroughs of the Dumfries district in Parliament several years, and married Jean, third daughter of Charles (son of Sir Charles Erskine of Alva, Baronet) Lord Justice Clerk of Scotland, descended from the illustrious family of Mar. John, Earl of Mar, Treasurer of Scotland, and the Lady Maria Stuart, daughter of Esme, first Duke of Lenox, being his great-grand father and mother, and by the said Lady Maria, he was related to the Royal family of Stuart. In 1747, the Duke of Queensbury received compensation for his office of hereditary Sheriff of Dumfriesshire, and Mr. William Kirkpatrick of Alisland was made the first Sheriff under the new regimen. He died in 1777. His son Charles changed his name to Sharpe, according to the will of Matthew Sharpe, Esq. of Hoddam, his mother's grand-uncle, who bequeathed to him his whole estates. He married Eleanora, daughter of John Renton, Esq.



of Lammerton, by Lady Susan Montgomery, daughter of Alexander Earl of Eglintoun. He had four sons, Matthew, Charles Kirkpatrick, above mentioned, Alexander and William, and six daughters, of whom Susan married Captain James Erskine, second son of John Erskine of Mar, who but for the attainder would have been Earl of Mar, and whose grandfather was created Duke of Mar by the exiled Prince of Wales. Jane, his second daughter, married her cousin Sir Thomas Kirkpatrick, the fifth Baronet. The above mentioned Lady Susan Montgomery, was daughter of the beautiful Susanna Kennedy, daughter of Sir Archibald Kennedy of Colzean, Baronet, the third wife of Lord Eglintoun. She was a woman of extraordinary personal charms, but of a wit and vivacity still more surprising. To her, Allan Ramsay dedicated his inimitable 'Gentle Shepherd.' In her old age, as Boswell informs us, Dr. Johnson paid her a visit and expressed his admiration of her colloquial powers. Her eldest son, Alexander Earl of Eglintoun, was barbarously murdered by Mungo Campbell, and it is somewhat remarkable that this young nobleman made the third of his family who perished by the hands of assassins.

21. SIR THOMAS, the third Baronet, succeeded his father in 1720, when he was only about sixteen years of age.

He married Susanna, daughter and heiress of James Grierson of Capenoch, by whom he had eight children, Thomas, who died young, James, George, William, Isabella, married to Robert Herries of Haldykes, Grizzel, married to her cousin the Honourable Robert Sandilands, younger son of Lord Torphichen, (their son, the present Lord Torphichen, succeeded his cousin in 1815), Jean and Christian.

The Griersons (Gregorsons) of Lag and Capenoch, neighbours and allies of the Kirkpatrickes in their Border feuds, were also connected by intermarriage. They claim to be descended from Gilbert, second son of the well-known Maleolm MacGregor of the Royal clan MacAlpine, universally acknowledged to be the most ancient in the Highlands. Maleolm was a descendant of Grig, third son of Kenneth MacAlpine, King of the Scots (843). The descent of the Royal families of Baliol and Bruce from MacAlpine, contributed to make this the most distinguished of the clans. The MacGregors rank next to the above-named families. Gilbert Grierson, descended from

the above Gilbert, married Isobel Kirkpatrick, who died in 1472. In an old seal of Sir Thomas' we find the Grierson arms borne on an escutcheon of pretence.

His third son, William, had one son, John, and two daughters who died young. The son John, was for many years Chief Justice of the Ionian Islands, and has three sons, William, John, and Thomas, and nine daughters, Annabella, Susan, Jane, Christina, Joanna, Margaret, Marianne, Ellen, and Charlotte.

Sir Thomas came into possession of his patrimony when quite young, and wasted his property in the most thoughtless extravagance. He travelled on the Continent spending profusely; on his return home he lived in a style of lavish recklessness. But the most ruinous expenditure was incurred in political contests. Various members of the family and their connections had so frequently sat in Parliament for the County or Borough, that they thought themselves entitled to control the elections; but they now found their claim disputed by their powerful neighbour, the Duke of Queensbury, who determined to secure the seats for his own family. It appears from Oldfield's Parliamentary History, that the contests were constant and severe. In 1725 there was a double return for the Borough, William Kirkpatrick, Esq. and Sir John Douglas, Bart.; but the latter waived his return. In 1735 there was a petition against the return, which was withdrawn. In 1741 there was another petition, but no proceedings on it. The County was also contested in 1735, by Alexander Fergusson, Esq., and in 1741 by Matthew Sharpe, Esq., connections of the family, and into all these contests Sir Thomas plunged, with a disregard to expense, which ultimately involved the family in very serious difficulties.

In connection with these contests may be mentioned an anecdote told by Chambers in his Picture of Scotland. He says, "The Baronial family of Kirkpatrick, which is represented by Sir Thomas, the fifth Baronet, present Sheriff of Dumfriesshire, is the oldest in the County. Charles the good Duke of Queensbury once testified his respect in a remarkable manner. He was proceeding in his carriage along with the eccentric Duchess Catherine towards Dumfries, in order to exert his influence at an election, when just as he approached the head of the Closeburn avenue, the coach of Sir Thomas Kirkpatrick, who had taken a different side in politics, was observed to leave the house on its way to the same place for the same purpose. The Duchess

felt great alarm at this, and thinking that priority of appearance at the market place would be favourable to the Queensbury influence, called out in her usual lusty way to the coachman, to drive with all his might, 'else Tam of Closeburn will get in before us and liek the butter off our bread.' The Duke was scandalized at the nickname she gave his friend Sir Thomas, and said, 'Let me tell you, my Lady Duehess, this Gentleman's aneestor was Knight of Closeburn, when mine was only Gudeman of Drumlanrig.' "

This Duehess was The Lady Catherine Hyde, daughter of the Earl of Clarendon, celebrated by Pope, Swift, Prior, and Gay, for her beauty, wit, and sprightliness.

On the night of Monday, 29th August, 1748, the house of Closeburn, built by the first Baronet, partly with the materials of the old Castle, of which he left nothing but the Keep, was burnt to the ground, through the carelessness of a drunken servant of Sir Alexander Jardine of Applegarth, then a guest at Closeburn. The Jardines were neighbours and old friends of the family. Sir John Jardine, the second Baronet, married first, Catherine daughter of Sir William Lockhart of Carstairs, Bart., aunt of Sir Thomas Kirkpatrick, and niece of the Duke of Queensbury; and, secondly, Jane daughter of Charteris of Amisfield, into whose family the aneestor of Sir Thomas married in 1628, as above mentioned.

In that fire were consumed all the family portraits, the greatest part of the plate, all the furniture, and, with the exception of the few Charters quoted above, the whole of the documents and papers of any use or curiosity. After the destruction of Closeburn House Sir Thomas took up his abode in the old Keep. And now became too apparent the fact that his extravagance had involved him in serious difficulties. The blow was too heavy to be retrieved. There were no means for rebuilding the family mansion, and he died in the old Tower, in October, 1771.

Grose, in his *Antiquities of Scotland*, published 1789, vol. i. p. 150, says, Closeburn Castle is situated about twelve miles north of Dumfries, and on the east side of a lough of eight aeres. It is perhaps the oldest inhabited Tower in the south of Scotland. From the plan on which it was built, and the style of the mouldings of the door, which are the only ancient ornaments now remaining about the building, it seems that the

date cannot be later than the beginning of the 12th century, probably earlier. The building is a lofty quadrilateral tower, all vaulted; the lower apartment was a Souterrain; the only communication with the hall or ground floor was by a trap-door; the walls twelve feet thick. The entrance door is under a circular arch, with the zigzag or dancette moulding rudely cut out of the hard granite. The approach to it was by a ladder, that could be taken in at any time, the present outer stairs being a very modern erection. The old iron door is still remaining. The hall was probably the dining-room, the guard-chamber, and the dormitory of the garrison when invested by an enemy. A small turnpike stair built in the wall led to the principal apartments. There is one stack of chimneys in the centre of the building. Above the hall there are two series of chambers with oaken floors. An arched roof crowns the whole, and a way fenced with a parapet goes round the top. There is not any kind of escutcheon or armorial bearings on it, an additional proof of its antiquity.

Although Sir Thomas by his recklessness involved his family in difficulties amounting to comparative ruin, and is therefore remembered by the succeeding generations with embittered feelings, it cannot be denied that he had his merits as well as his faults. He was talented and accomplished, highly popular in his manners, a good neighbour, and a warm friend. The family still possess letters addressed to him, subsequent to his misfortunes, manifesting the attachment and esteem of his correspondents. One dated the 20th of December, 1770, only a few months before his death, commences:—

MY DEAR SIR THOMAS,

My time since my return to town has been so entirely devoted to Indian despatches, that I have not yet found leisure to pay or receive personal visits. Even this on paper to you is amongst my first, and I beg you will accept it as expressive of that esteem and respect, which I can never separate from my idea of your character.

The writer of this letter, Colonel James Kirkpatrick, son of James Kirkpatrick, M.D., was an officer of the East India Company's Madras Establishment. He published in 1769 a pamphlet on the use of Light Troops, of which the Monthly Review of that



date observes, 'The proposal appears important and very judiciously planned. The author is an experienced Commander of Horse.' He married Katherine, daughter of Andrew Munro, 1762, at Madras. He commanded the forces at Fort Marlborough, Sumatra, 1777. He returned home about 1779, and died at his seat, Hollydale, Kent, in 1818, in his 89th year. His father, James Kirkpatrick, M.D., the author of some poetical and medical works, died in 1770, in his 69th year. In the *Middlesex Journal* of that day he is thus noticed, 'Dr. Kirkpatrick, a gentleman who has left behind many proofs of a fine imagination in his poetical, and of great genius and learning in his physical productions.'

Colonel James Kirkpatrick left three sons, William, George, and James Achilles.

William entered the East India Company's Military Service, and soon distinguished himself by his professional talents and literary acquirements. He published a *Vocabulary, Persian, Arabic and English*, 1785; *Select Letters of Tippoo Sultaun*, 1811; and in the same year 'An Account of the Kingdom of Nepaul, being the substance of Observations made during a Mission to that Country in the year 1793,' the preface to which commences, 'No Englishman had hitherto passed beyond the range of lofty mountains, which separates the secluded valley of Nepaul from the north-eastern parts of Bengal.' The Court of Nepaul, alarmed by an invasion from China, implored assistance from the Bengal Government, who sent Colonel Kirkpatrick (assisted by three other officers and a surgeon) as Envoy to the Court. His report was written for Government, and not for publication; and it was not till several years after it was written, that, on his return to England, he was reluctantly induced to publish the work, under the patronage of the Court of Directors. He had already distinguished himself when Lord Wellesley went out as Governor in 1798. In a dispatch to the Right Honourable Henry Addington, First Lord of the Treasury, dated Cawnpore, 10th of January, 1802, Lord Wellesley writes (see *Introduction to the third volume of the Wellesley Dispatches*, p. x.), 'I fortunately found him at the Cape, on my way to India, and I have no hesitation in declaring, that to him I am indebted for the seasonable information which enabled me to extinguish the French influence in the Deccan, and to frustrate the vindictive projects of Tippoo Sultaun.' He filled the offices of Resident at the Court of Scindiah, at Nepaul, and at Hyderabad; Commissioner for the Affairs of Mysore; Confidential Military Secretary; and Secretary to the Military Department

of the Government. He was also appointed Resident at Poonah, when failing health obliged him to return to England in 1801, at the early age of forty-seven. Lord Wellesley, in his dispatch to Government, says, that he had served his country with the greatest honour and ability, and sums up his character in these words: 'Lieutenant-Colonel Kirkpatrick's skill in the Oriental languages, and his extensive acquaintance with the manners, customs, and laws of India, are not equalled by any person whom I have met in this country. His perfect knowledge of the native Courts, of their policy, prejudices, and interests, as well as of all the leading political characters among the inhabitants of India, is unrivalled in the Company's civil or military service; and his integrity and honour are as universally acknowledged and respected as his eminent talents, extraordinary learning, and political experience.'

Lord Wellesley offered in the handsomest terms to apply on his behalf for English honours, which however he courteously declined. The correspondence is still preserved by the family. He died a Major-General, in August, 1812, in his 58th year, leaving four daughters. Clementina, married to Admiral Sir John Louis, Baronet; Barbara, married to Charles Buller, M.P., father of the late Charles Buller, Member for Liskeard, and of Sir Arthur Buller, Judge of the Supreme Court at Calcutta; Julia, married to Edward Strachey, late father of the present Sir Edward Strachey, Baronet; and Eliza, who died unmarried.

George, the second son of Colonel James Kirkpatrick, was in the Company's Civil Service at Bombay, and returned home in bad health in 1799. He died at Hollydale in 1838, in his 75th year, leaving two sons, the Rev. James Kirkpatrick of Hollydale, and John Kirkpatrick of Horton Park, Kent, and one daughter, Eleanor, married to Captain D. West.

James Achilles, the third son of Colonel James Kirkpatrick, succeeded his brother William as Resident at the Court of the Nizam, and under his immediate command the French forces were compelled to lay down their arms, and the French influence in the Deccan was finally and totally destroyed. On this occasion Lord Wellesley wrote to him, 'I am happy to express my entire approbation of the judgment, firmness, and discretion, which you have manifested during the important transactions, which have passed since the ratification of the new subsidiary treaty with the Nizam, and which have terminated so satisfactorily in the complete execution of the secret and separate



articles of that engagement. Your conduct in the negociation of the treaty has already received my approbation.' He died a Lieutenant-Colonel at Calcutta in 1805, leaving one son, William, who died in 1828, and a daughter, Catherine Aurora, married to Captain James Winslow Phillips, 7th Hussars.

Had his father's life been spared a few years till his character was fully formed, and his expensive tastes controlled, the third Baronet would probably have proved an ornament to the family, and have been remembered with pride and affection. Unfortunately, while yet a boy, he found himself in a position which flattered his imagination and dazzled his judgment. As not unfrequently happens, too much prosperity was the parent of misfortune.

When altered circumstances put an end to the employments and excitements of his youthful career, he turned his attention to the cultivation of his paternal estates, and commenced that series of improvements by which their value has been enhanced tenfold; but unfortunately the fruits of these ameliorations are reaped by other hands, and the family now sees with feelings more painful than regret, the inheritance of their ancestors, the property of strangers.

22. SIR JAMES, the fourth Baronet, succeeded his father in 1771. He married Miss Jardine, and had three sons, the eldest of whom died in infancy, Thomas, and Roger, and four daughters, Susan, Isabella, Jean, and Mary.

He devoted himself strenuously to the task of repairing the mischief done by his father, and endeavoured to restore prosperity by availing himself of the aids of science, in carrying out agricultural improvements. It was reserved, says Chalmers, for Sir James Kirkpatrick to discover limestone on his estate, and to establish a large manufactory of this important mineral, and what was of still more importance, to conquer the prejudice of ignorance against the application of this potent fertilizer of a wretched soil. The country gentlemen followed his example. See a letter from Sir James Kirkpatrick, respecting the Lime Husbandry of Dumfriesshire, *Agricultural View*, 1794, Appendix No. 3.

And Sinclair, in his Statistical Account of Scotland, Parish of Closeburn, states that the proprietor, anxious to introduce agricultural improvements, met with so much opposition from the prejudices of his tenants, that he found it necessary in their leases to compel them to lime a certain quantity of their land, he furnishing the lime, and even paying the carriage. And he mentions as one proof of the extent of these improvements, shewn by the diminution of the sheep pasture, and the extension of arable cultivation, that there was an account then in existence of the sheep and wool upon the Barony of Closeburn, at the beginning of the century, written in the proprietor's hand, from which it appeared that there were at that time upon the Barony, 6740 sheep, while the number kept at the date of Sinclair's account upon the same lands, was only 3940.

He greatly increased the value of the estates, but his efforts to retrieve the injury inflicted by his father proved vain. The benefits were prospective and slow, the pressure immediate and urgent. The estates, already diminished by marriage portions and settlements on younger children, were now deeply involved. The depreciating effects of the American War upon the value of land were at their height. Money was scarce and valuable, creditors pressing, and Sir James, a man of nice honour and refined sensitiveness, decided to meet their wants by the bitter sacrifice of estates held by his ancestors for more than a thousand years. He made over to Trustees, Closeburn and about 14,000 acres, retaining only some outlying properties, and Capenoch the patrimony of his mother. The Trustees effected a hasty sale, for a sum scarcely amounting to half what he had previously refused. Could he have foreseen the rapid reaction in the value of land which soon after took place, and held the property into the beginning of the present century, he might have been able to avoid this desperate step, and to replace his family upon their ancient footing. Sir James Menteth sometime since resold the Closeburn Estate; the mansion and principal part of the land, to Douglas Baird, Esq. a Glasgow iron merchant, and two other lots to other parties, which produced altogether about a quarter of a million of money. The rental is now said to be £12,000 a year, and the railway which runs up the vale of Nith, with a station at Closeburn, is daily enhancing its value.

Sir James died 7th of June, 1804, and was succeeded by Thomas his eldest surviving son. His second son Roger had four sons, James, H.E.I.C.S., Robert who is dead, Roger of Lagganlees, who married Isabella Kirkpatrick, 1856, and Thomas, H.E.I.C.S., and two daughters, Jane and Mary Lillias.

23. SIR THOMAS, the fifth Baronet, succeeded his father.

He married his cousin Jane, daughter of Charles Sharpe, Esq. of Hoddam, and had issue, Eleonora, married to Admiral Hope Johnstone, Mary Ann, married to Henry Lumsden, Esq. of Auchendoir, James, a promising young navy officer, who died at sea in his father's life time, Charles Sharpe, Margaret, married to John Ord Mackenzie, Esq. of Dolphinton (of the Seaforth family), and Charlotte, married to Henry J. Burn, Esq.

Sir Thomas was a most amiable and excellent man, and well maintained the regard and affection of his neighbours. For many years the justly popular Sheriff of Dumfriesshire, he won the respect of the public, by his sound judgment, firmness of character, and suavity of manner. His judgments were seldom questioned, and when occasionally appealed to the Supreme Court, the judges used to remark that it was almost useless to appeal cases decided by Sir Thomas Kirkpatrick.

At the request of the Procurators of Dumfriesshire, he sat to Sir William Allan for his portrait in his robes, which now forms a principal ornament in the County Court House at Dumfries. And the County gentlemen had another portrait painted by the same artist with his badge and ribbon, &c. which they gave to his daughter. That the family though now reduced in circumstances is not forgotten, may be ascertained by any person who mentions the name in mansion or cottage. The warm expressions of esteem and affection invariably elicited, form a gratifying testimony to the past history of the family.

The following is extracted from the Dumfries Courier of 4th November, 1844 :—

*“ The late Sir Thomas Kirkpatrick, Baronet, Sheriff of Dumfriesshire. ”*

“ In our last week's Obituary, we recorded the death of our respected Sheriff, Sir Thomas Kirkpatrick. On the night of Sunday the 20th ult. when he retired to rest,

he appeared to be in the enjoyment of perfect health, but on the morning of the 21st, while dressing, he was struck with apoplexy, and lingered till about 8 o'clock in the evening of the same day, when he expired. By this sudden and unexpected dispensation of Providence, our county has sustained a severe loss. For thirty-three years Sir Thomas discharged the duties of Sheriff, and throughout the whole of that long period, he justly merited and most eminently enjoyed the confidence and esteem of all within his jurisdiction. In his official capacity he was no less distinguished by the earnest and unceasing care with which he watched over the general welfare of the county, than by the sound and extensive legal knowledge which he brought to bear upon the various questions submitted to his decision as a judge. His eminent acquirements as a lawyer, were fully appreciated by those who had the best means and opportunities of forming an opinion,—the practitioners in his Court,—who invariably received his judgments, with that respect which they so justly merited; while his character for unflinching integrity and strict impartiality, afforded a full assurance to litigants, that justice was in all cases scrupulously administered. Indeed his judicial decisions may be said to have given universal satisfaction, not only to the Procurators, who could appreciate the soundness of the legal principles on which they were invariably founded, but also to the litigants, who confided with entire reliance on the sterling uprightness and discriminating judgment by which he was so peculiarly distinguished. To those who have seen him on the Bench, and witnessed the courtesy of his deportment, the unwearied patience with which he listened to the conflicting statements of adverse parties, and the clear, unobtrusive, but persuasive manner in which he delivered his judgments, it cannot be matter of wonder that he should have gained the esteem and respect of all who were more immediately connected, either as parties or procurators, with the business of his Court. Of his administration of criminal justice it may well be said, that he tempered justice with mercy, and his kind and feeling heart often led him to wish, that he could remit the sentence which a stern sense of duty impelled him to pronounce. In the investigation of crime he was peculiarly shrewd and discriminating, and few offences committed within his jurisdiction were allowed to escape unpunished. Those who recollect the trial and



conviction of the murderer Gordon, may form some idea of the manner in which he could track a criminal by means of the very finest chain of circumstantial evidence.

“Of the private character of Sir Thomas Kirkpatrick it is unnecessary for us to speak; it was legibly written on the features of his fine expressive countenance. The smile upon his lip, the meditative eye, the thoughtful brow, proclaimed at once the man of benevolence and intellect, the warm-hearted friend and the cheerful companion. He was in very truth a man in whom there was no guile; straightforward honesty, unbending integrity, and the purest philanthropy, characterised every action of his life. Throughout the whole of the long and active discharge of his arduous duties, we firmly believe that he never had an enemy. By rich and by poor he was at once respected and beloved. We mourn over his loss as an eminently useful public character. As a private friend it will be difficult indeed to supply his place.

“It is a matter of congratulation to the friends of Sir Thomas to know, that about a year since he sat for his portrait to Sir William Allan, at the request of the Procurators of the Sheriff’s Court. The likeness is an admirable one, and when the picture is returned from Edinburgh, where it at present is for the purpose of being engraved, we believe it is to be placed on the walls of the Court House. Sir Thomas also sat to the same artist, at the request of a number of his more immediate neighbours for another portrait, which was presented to Miss Kirkpatrick, and is now we believe at Capenoch.

“Sir Thomas Kirkpatrick was admitted an advocate in the year 1798. During part of the years 1809-10-11, he was one of the Commissioners in Edinburgh, which situation he resigned in 1811, upon his being appointed Sheriff of his native county.”

24. SIR CHARLES SHARPE KIRKPATRICK, the present and sixth Baronet, succeeded his father in 1845.

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The fact that a descendant from the ancient family of Kirkpatrick, now sits on the throne of France, renders it necessary to enter more fully into the history of that branch, than has been thought desirable with respect to other collaterals, some of which have been slightly noticed, and others, having no peculiar interest, have been passed over altogether.

Mr. William Kirkpatrick of Conheath, then resident in Malaga, married Doña Francisca Maria, eldest daughter of Don Henrique Baron Grevigné. Their eldest daughter Doña Maria Manuela became Countess de Montijo, and mother of Doña Maria Eugenia, Countess de Teba, now Empress of the French.

When the Comte de Teba, second son of the Comte de Montijo, Duke de Peñaranda, &c. Grandee of the First Class, made proposals of marriage to Doña Maria Manuela Kirkpatrick, it became necessary for her father to prove that his ancestry was such as to justify a Grandee of Spain in forming the connection. He said to his proposed son-in-law, 'You trace up to King Alphonso the eleventh, if I trace to King Robert Bruce, I suppose his Majesty will be satisfied.' He laid before the King a Patent from the Heralds' office at Edinburgh, certifying his descent paternally from the ancient Barons of Closeburn, whereupon it is said the King laughing exclaimed, 'Let the noble Montijo marry the daughter of Fingal.'

The tradition is that the title 'de Teba,' was conferred on the Comte de Montijo as a second title, in recognition of his conduct at the siege of Teba in Andalusia, in 1328, when the place was taken from the Moors. By a singular coincidence a Kirkpatrick of Closeburn took part in the same exploit. The tale is told by Froissart.

King Robert Bruce had made a vow to go to the Holy Land, to expiate the death of Comyn. Upon his death-bed he regretted exceedingly having, by the contests in which he was incessantly engaged in support of his throne, been prevented from fulfilling his vow, and desired that his heart might be taken to Jerusalem. Douglas, with the heart suspended from his neck in a silver casket, accompanied by a son of Sir Roger Kirkpatrick and other Knights, undertook the Commission. For want of a vessel sailing direct to Palestine, they passed through Spain, and arrived in Andalu-



sia at the time the Spaniards were besieging Teba. Thinking it an excellent opportunity to prove their zeal against the Infidel, they joined the Spanish standard, and at the critical moment of the assault, Douglas hurled the casket into the midst of the Moors, crying, ‘Noble heart, go as thou hast always gone, the first into the fight, Douglas and his Knights swear to follow or die.’ “The Scots,” says the historian, “challenge for the royal heart, the chief glory of the defeat of the Moor, and the capture of Teba.”

Not to encumber the history of this branch with too many details, and commencing with Thomas Kirkpatrick of Knock, paternally descended from Closeburn, and cotemporary with the first Baronet, we find that he left two sons. The eldest, James, following the tide of emigration then setting in rapidly, married and settled in England, and had three sons and two daughters. The second, Robert of Glenkeln, married his cousin Henrietta, daughter of John Gillespie, Esq. of Craigshields, and had four sons and a daughter. Of whom William of Conheath married Mary, daughter of John Wilson, Esq. of Ketton, and had seven sons and twelve daughters. Of whom the eldest son that attained manhood, John, married Janet, daughter of Thomas Stothert, Esq. of Arkland and Areeming, heiress in her own right of Tarscrechan, and had four sons and one daughter, Maria Isabella. Their eldest son William Escott Kirkpatrick, Esq., of Brussels, now the representative of the Conheath branch, married Eliza Ann, eldest daughter of Jeremiah Parkinson, Esq. and has four sons. The second, Thomas James, married his Spanish cousin Carlota Catalina, sister of the Countess Montijo, and left four sons and a daughter. The above-named Maria Isabella, daughter of John Kirkpatrick, married Joseph Kirkpatrick, Esq. of St. Cross, great-grandson of another James Kirkpatrick, who quitted Scotland in 1686. This James, a youth of 18, took umbrage at his father’s third marriage, and made use of some strong expressions which gave great offence. The dispute ran so high that immediately after witnessing the ceremony, he left the church and quitted his home for ever. Yielding to the setting tide of emigration he went to England, with scanty means, and little else to insure a livelihood than energy of character and some native talent. Thenceforth he was lost to his family. Of the next few years of his life his descendants at

present have slight traditions, except that he contended bravely and successfully against all difficulties, and having gained the affections of Ann Hoar, the only child of a clergyman at Romsey, he married and received with her a dower deemed at that time considerable. They removed to the Isle of Wight, and in 1704, as appears by the Title Deeds, purchased 'a capital Messuage or Dwelling-house, with a large garden and appurtenances,' in the best situation in Newport. Here there was little chance of his ever coming in contact with any of his family. This island, now the annual resort of thousands of Felicity hunters, as they are there called, was then an unknown land. Many years afterwards, Dr. Johnson, when blaming the Government for their mismanagement of the war, wrote with indignation at their permitting the troops destined for Canada, to waste their time in the pathless deserts of the Isle of Wight. The last house in England in which General Wolfe slept before his departure to the scene of his glory and death, was the house of James, the son of this James Kirkpatrick, who entertained him during the time he was detained in the Isle of Wight.

The tale of this wedding day dispute and consequent self-banishment and permanent alienation, was handed down from father to son with a tenacity and interest worthy of a Border tradition. Widely and completely separated from the old home, it was never forgotten, but fondly cherished in the memory of his children and children's children, and in all the struggles of life doubts were dispelled and difficulties vanquished, under the never forgotten rallying cry, 'I mak sicker.'

James the exile died in October, 1719, leaving his only son James, and daughter Jane, the wife of Matthew Rolleston, Esq. amply provided for. James the son, married Esther Williams, by whom he had three sons, James, John, and Joseph, and a daughter Anne, who married Dr. Silver, and died in 1841, aged 89. In her retentive memory the flight from Scotland was but the tale of yesterday.

James the grandson died in 1819, leaving several children; John died in 1810, also leaving several children; Joseph died in 1826, leaving two sons, the eldest of whom married as above-mentioned Maria Isabella, daughter of John Kirkpatrick of Conheath, and first cousin of the Countess de Montijo. Their daughter Isabella, by marrying in 1856, her cousin Roger Kirkpatrick of Lagganlees, grandson of Sir James Kirk-

patrick, the 4th Baronet, has thus become the link of a fresh bond of union between the above-named branches on the one hand, and the direct Closeburn line on the other.

It only remains to state that the above-named William Kirkpatrick of Malaga, second son of William of Conheath, married, as above stated, Doña Francisca Maria Grevignée, by whom he had one son and four daughters. The son and one daughter died in infancy.

Of the three surviving daughters—

1st, Doña Maria Manuela, married the Comte de Teba, who upon the death of his elder brother became Comte de Montijo, Grandee of the First Class, Duke de Peñaranda, &c. and succeeded to the ample possessions as well as numerous titles of that illustrious house.

They had two daughters—

1st, Doña Maria Francisca de Sales, Countess de Montijo, who married the Duke de Berwick and Alba.

2nd, Doña Maria Eugenia, Countess de Teba, married to Napoleon III. Emperor of the French.

2nd, Doña Carlota Catalina, who married her cousin Thomas James, son of John Kirkpatrick of Conheath, and had four sons and a daughter.

3rd, Doña Henriquita, who married Don Domingo Cabarrus y Quilty Count de Cabarrus, and had two daughters.

Thus it is seen that a descendant of Ivone de Kirkpatrick and Eufemia Bruce, tracing lineally from Kenneth MacAlpine, King of the Scots, A.D. 843, through the grand-daughter of King Edmund Ironside, and the niece of William the Conqueror, now sits on the Imperial Throne of France.

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## THE IMPERIAL FAMILY OF FRANCE.

A common idea has prevailed that the Bonapartes rose from a vulgar stock, and that the "Little Corporal," who rose to such a height of power, was a man without a pedigree; it will be in the memory of many of our readers, that when in 1852 it became known that the comely daughter of the Spanish Countess de Montijo had won the heart of the French Sovereign who had lately been proclaimed as Napoleon the Third, some uneasiness was felt at Court, and efforts were made to prevent the Emperor from forming what was feared was a *mesalliance*. The uneasiness was grounded on a misapprehension of the facts, for the truth is, the lineage of the Empress is traceable back to a far remoter period than that of her Imperial husband. With respect to the pedigree of the Bonapartes, Bourienne, the private Secretary of the First Emperor, in his biography informs us that although the family of Napoleon Bonaparte was poor and he himself received his education at the public cost, yet the story of the obscurity of his extraction was false, and writes: "Bonaparte was undoubtedly a man of good family. I have seen an authentic account of his genealogy, which he obtained from Tuscany. A great deal has been said about the civil dissensions which forced his family to quit Italy and take refuge in Corsica. On this subject I have nothing to say." On the other hand, the ancestry of the Empress may be traced back to a very remote period, and being British it may not be without interest to our readers briefly to describe it. The mother of the Empress, who still lives, was a Miss Kirkpatrick, whose father, Mr. William Kirkpatrick, had settled as a merchant in the South of Spain. When her marriage to the Count de Montijo was proposed, it was necessary to obtain the consent of the then King of Spain, and inquiry was instituted as to the family and ancestry of the lady. The pedigree which was produced seems to have been rather too much for the patience of his Catholic Majesty, for it appears they traced their descent as far back as B.C. 1100, which the King seeing, exclaimed "Let the Count de Montijo marry the daughter of *Pingal*!" The complete pedigree of the family is in existence from Ivone, the first recorded ancestor, of the 12th century. Readers of Scottish history are familiar with the story, of Kirkpatrick, who despatched Comyn with his dagger when Bruce had stabbed him, and we may mention that this incident is the origin of the family crest of "The Bloody Dagger," with the motto "*I mack sicker*,"—["*I make sure.*"]



The first Baronet—Sir Thomas Kirkpatrick—received his title in 1658 and the present, the seventh Baronet, whose residence is at Southend, is also Sir Thomas Kirkpatrick. The Empress is descended from Robert, the second son of the first Sir Thomas Kirkpatrick, whose grandson—William of Conheath—was her grandfather. It may be, perhaps, not uninteresting to mention that James, the eldest son of Sir Thomas, whose grandson was a Banker in the Isle of Wight, was grandfather to the Messrs. Benham, of London—their mother having been a Miss Kirkpatrick. One of the brothers removed to Colchester, and consequently that branch of the family are cousins in the third degree of the Empress's mother, a connection which, we may remark, has been rendered closer by subsequent intermarriages in the family. Thus it will be seen that, the Empress who is the object of the tender sympathy of the whole civilised world has a special claim upon that of the British people, not only because she here sought a refuge, and found a ready welcome in the hour of her illustrious husband's downfall, and has, since her residence in England, endeared herself to our people; but, because she is of our own kith and kin, and with the noble Spanish blood that courses in her veins is mingled that of an ancient and historic Scottish family. The heroic youth that is laid by the side of his father, in his modest tomb at Chiselmhurst, is thus in a double sense to be regarded with affection—for it was not only that he selected England as his home, and exposed his life in fighting for her cause, but he is allied to us, as we have seen, by the ties of lineage and blood.









